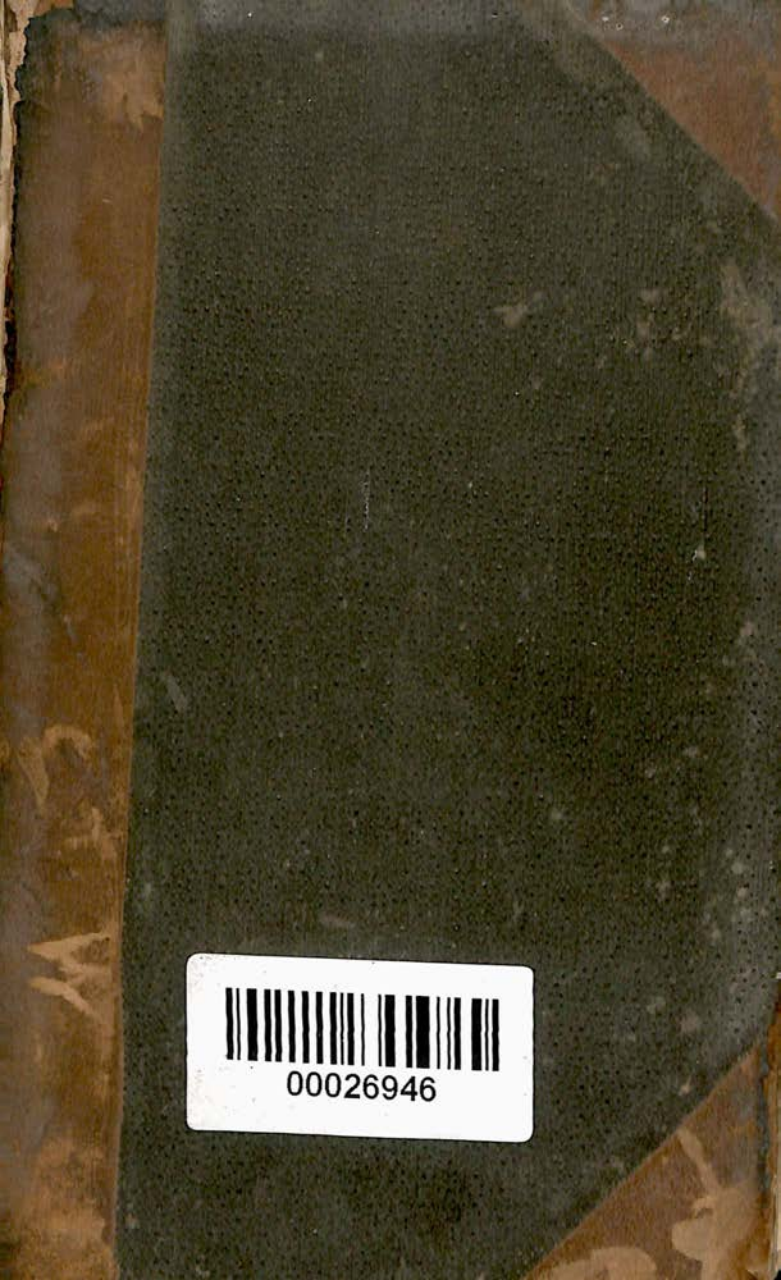
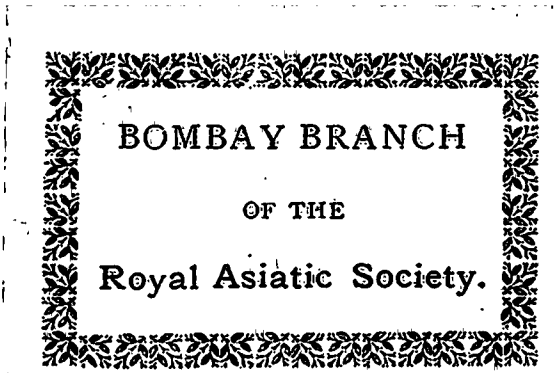

00026946



Digitized with financial assistance from the
Government of Maharashtra
on 15 June, 2016

00026946

PREFACE.

THE opinions of an enlightened foreigner, unconnected with the political parties that divide the nation, are always replete with valuable instruction to a people. "To see ourselves as others see us," is as difficult, and at the same time as useful, for societies as for individuals; but to no country is such an aspect of its condition so likely to be of service as Ireland, for in no other part of the world have all circumstances, small and great, connected with the moral, social, and political condition of the country, been so studiously and so grossly misrepresented. The Translator need only mention M. de Beaumont's works on the United States to prove his competency as a political observer; and the extraordinary success which the present work has already had on the Continent, is evidence that his testimony respecting Ireland will guide the opinions of a great part of Europe.

There are some who affect to disregard the opinions which foreigners form of the domestic economy of our empire; "the snail," says the Gentoo proverb, "sees

nothing beyond its shell, and believes it the finest palace in the universe;" but though such recklessness may be felt or affected by ardent partisans in Ireland, it is not likely that a similar course will be pursued in England. The political supremacy of the British Empire rests so much on public opinion for its support, that nothing by which that opinion may be changed or modified can be neglected with impunity.

M. de Beaumont designed his work exclusively for continental readers, and therefore, on many points, entered into long and minute explanations respecting the details of British law and administration, which are unnecessary for English readers, and have therefore been omitted. This is the only liberty which the translator has taken with the text, unless the consequent modifications of the division of the matter be deemed changes that ought to be acknowledged.

It was originally designed to add notes and illustrations to the body of the work on the same scale as those appended to the Introduction, but this design has been relinquished to prevent the work from being identified with any of the parties to which the discussions have given rise, and to keep intact its most characteristic and important feature,—its being the record of opinions formed by an enlightened statesman, whose views are obviously beyond all suspicion of being warped by prejudice or passion.

CONTENTS

OF THE FIRST VOLUME.

Page

Historical Introduction 1

First Epoch—From 1169 to 1535 3

Chap. I. . . . . ib.

Sect. I. Political Condition of Ireland in the twelfth century 8

2. The still recent invasion of the Danes . 11

3. Influence of the Court of Rome . . 13

Chap. II.

Sect. 1. Political condition of the Irish an obstacle to the Conquest 16

2. Second obstacle to the completion of the Conquest: the relation of the Anglo-Norman conquerors to England, and of England to them 20

3. Third obstacle to the Conquest: the condition imposed on the natives by the conquerors 34

Second Epoch—From 1535 to 1690.

Chap. 1. Religious wars 41

Sect. 1. How, when England became Protestant, it must have desired that Ireland should become so likewise 43

2. Of the causes that prevented Ireland from becoming Protestant 46
3. How England rendered Ireland Protestant — Protestant Colonisation — Elizabeth and James I. 55
4. Protestant Colonisation—Charles I. . 61
5. Civil War—the Republic—Cromwell . 66
6. The Restoration of Charles II. . . 85

THIRD EPOCH—From 1688 to 1755.

CHAP. I. Legal Persecution . . . 100
CHAP. II. The Penal Laws . . . 115
Special character of the penal laws . 121
Another special character of the penal laws . 135
Legal persecution beyond the limits of law . 137
Persecutions continued when passions ceased 142
Which of the penal laws were executed, which not 145
The Whiteboys 149

FOURTH EPOCH—From 1776 to 1829.

Revival and enfranchisement of Ireland . . 166
CHAP. I. Effects of American Independence on Ireland 169
Sect. 1. First Reform of the Penal Laws, 1778 . 174
2. Second Effect of American Independence on Ireland, (1778 to 1779.) The Irish Volunteers 175
3. Independence of the Irish Parliament . 181
4. Legal Consequences of the Declaration of Irish Independence . . . 183
5. Abolition of certain Penal Laws. Consequences of the Declaration of Parliamentary Independence . . . 194
6. Continuation of the Volunteer Movement. Convention of 1783 . . . 197
7. Corruption of the Irish Parliament . 200
8. Is a servile Parliament of any use? . 209
CHAP. II. The French Revolution—Its Effects in Ireland 217
Sect. 1. 1789 . . . . *ib.*
2.—Other Effects of the French Revolution. Abolition of Penal Laws . . 227
3.—Other consequences of the French Revolution. —Reaction . . . 228

4. French Invasion of Ireland. Insurrection of 1798 232
Consequences of the Insurrection of 1798. The Union 240
Constitutional and Political Effect of the Union 243
CHAP. III. Catholic Emancipation in 1829 . . 245

IRELAND, SOCIAL, POLITICAL, AND RELIGIOUS.

CHAP. I. External appearance of Ireland. Misery of its Inhabitants 249
CHAP. II. A bad Aristocracy is the primary cause of all the evils of Ireland.—The faults of this Aristocracy are, that it is English and Protestant . 276
Sect. 1. Civil Consequences . . . 287
Subsect. 1. Extreme misery of the farmers—Accumulation of the population on the soil—Absenteeism—Middlemen — Rack-rents—Want of sympathy between land and tenant *ib.*
Subsect. 2. Competition for land — Whiteboyism — Social evils—Inutility of coercive measures —Terror in the country—Disappearance of landlords and capital . . 297
Sect. 2. Political consequences . . 315
Subsect. 1. The State . . . 317
Hatred of the people to the Laws . 329
A public accuser wanting in Ireland 330
Unanimity of the jury in Ireland . 333
Legal functionaries peculiar to Ireland 335
Subsect. 2. The county 338
3. Municipal corporations . . 345
4. The parish . . . 350
Judicial authority . . 359

HISTORICAL INTRODUCTION.

THE dominion of the English in Ireland, from their invasion of the country in 1169, to the close of the last century, has been nothing but a tyranny.

During the three first centuries they covered Ireland with deeds of violence, the object of which was the completion of the conquest.

The wars of conquest had not ended when those of religion began. England having, in the sixteenth century, renounced the Catholic for the Protestant faith, wished to convert Ireland to the new creed she had adopted, and finding the Irish rebels to her wishes undertook to constrain them; hence the obstinate struggles, the sanguinary collisions, and the terrible catastrophes which lasted more than a century.

When the wars which the Irish maintained for

the defence of their religion and country terminated, English oppression did not cease. Seeing that the Irish preserved their religious faith in spite of the violence employed to make them abandon it, England attempted to attain the same end by other means. She had discovered the inutility of force, and she tried corruption. Hence a persecution less barbarous, but not less cruel, more immoral, perhaps, because it assumed the semblance and supported itself by law, which continued nearly a hundred years.

This persecution ceased, not because England brought it to a close, but because Ireland would endure it no longer. One day Ireland undertook to shake off the English yoke, and commenced a struggle for independence, sometimes fatal, more frequently prosperous, which has lasted to our days.

The history of the English dominion in Ireland may be regarded under four principal points of view.

The first embraces the long convulsions of the conquest, from the reign of Henry II. to that of Henry VIII.

The second comprehends the religious drama of the sixteenth and seventeenth centuries; it begins with the Reformation, or Henry VIII., and ends with the Revolution, or William III.

The third comprises the period of legal persecution, extending from the battle of the Boyne, in 1690, to the early part of the reign of George III.

The fourth, which may be considered as the new era of Ireland, because it is that from which the awakening of the country to liberty dates, has for its starting-point the independence of the American colonies, and for its most remarkable feature in cotemporary history, Catholic Emancipation, in 1829.

The author is about to cast a rapid glance over those four epochs. These pictures of the past are absolutely necessary for the right understanding of the present.

FIRST EPOCH.

From 1169 *to* 1535.

CHAPTER I.

In 1156, a bull of Pope Adrian IV. bestowed the kingdom of Ireland on Henry II., King of England.*

* Mac Geoghegan, vol. i. p. 460; Sir R. Musgrave's Irish Rebellion, p. 3; Thierry's Norman Conquest, vol. iii. p. 12.

This bull proves, that even at this epoch Henry II. had extended his views to Ireland, whose sovereignty he obtained from the power which then disposed of empires. Adrian IV. was an Englishman by birth, and, doubtless, he felt sympathies for his native land, of which Henry knew how to take advantage.

We read in Hanmer's Chronicle, "Anno 1160, the king (Henry II.) cast in his minde to conquer Ireland; he sawe that it was commodious for him, considered that they were but a rude and savage people." *

It was not until twelve years after that the Anglo-Normans invaded Ireland, and the Chronicles give us the following account of the occasion.

"Dermot, king of Leinster, having carried off the wife of O'Rourke, king of Meath, the latter complained to O'Connor, titular monarch of all Ireland, who instantly embraced the cause of the outraged monarch, and expelled the author of the wrong from his kingdom. Dermot, in his despair, went to seek aid from the English king. Henry II., gladly embracing the opportunity of accomplishing a design which he had long projected, promised to do Dermot justice.

"In a short time, Fitz-Stephen, and afterwards

* Hanmer's Chronicle, p. 215; Ancient Irish Histories, vol. ii.

Strongbow Earl of Pembroke, landed in Ireland with a numerous suite of Norman knights.

"Nevertheless, scarcely had Dermot introduced the strangers into his country, when, perceiving that he would not be restored to the possession of his states, he endeavoured to persuade Fitz-Stephen to return. But Fitz-Stephen replied, 'What is it you ask? We have abandoned our dear friends and our beloved country; we have burned our ships, we have no notion of flight; we have already periled our lives in fight, and, come what may, we are destined to live or die with you.'"*

Dermot did not recover his crown, and the English remained in Ireland.

They remained there, but not without encountering endless opposition; for if their invasion was singularly easy, the completion of the conquest was a work of extraordinary difficulty.

The first invasion took place in 1169, and, according to the most authentic accounts, we must go down to the reign of James I., in 1603, to find the completion of the conquest. Thus, during more than four centuries, the English only exercised disputed dominion over Ireland.

The spectacle afforded by the native Irish and the Anglo-Normans, struggling to preserve their

* Hanmer's Chron., vol. ii. p. 230.

country, the others to subdue it, must be interesting to all, but especially to Frenchmen.

These native Irish assailed, in their savage but haughty independence, all belonging to the same Celtic race, from which the Gauls, our ancestors, are descended.

And those Normans who invaded them left France in the preceding century. Their names are sufficient to reveal their origin—Raymond le Gros, Walter de Lacy, John de Courcy, Richard de Netterville, and a thousand others of the same sound.*

But the history of such distant times would exceed the limits of this introduction.

The author's design, in the sketch he offers of this first epoch, (from 1169 to 1535,) is merely to give the reader some notions of the people invaded by the Normans; he is also anxious to point out the causes which rendered the invasion easy, and the conquest difficult.

It is not rare to find it alleged by English writers, that at the epoch of the conquest, Ireland contained a wretched, vile, and degraded population; an allegation probably inspired by the desire of imputing the misfortunes and corruption of this people to causes anterior to the English conquest. It is,

* Mac Geoghegan, vol. ii. pp. 3—6; Hardiman's Galway, pp. 9—11.

however, certain that nothing in the cotemporary records justifies such an assertion.

"Such," says Campion, "is the character of the Irish; they are religious, sincere, violent in love and anger, compassionate and full of energy in misfortune, vain and superstitious to excess; good horsemen, passionately fond of war, charitable and hospitable beyond expression . . . They have acute minds, are desirous of instruction, and learn easily what they wish to study; they are persevering in labour,"* &c.

"When Robert Fitz-Stephen and the brave knights of Britain invaded Ireland," says Hanmer, "they did not find cowards, but valiant men, brave both as horse and foot."†

"The bodies and minds of the people," says Sir John Davis, at a late period, "are endowed with extraordinary abilities of nature."‡

Now, how has it happened that this noble population has been surprised by a handful of adventurers? And how, thus invaded, has it for centuries resisted conquest,—too feeble to repulse its enemy, sufficiently strong in its reverses never to submit—equally incapable of enduring or shaking off the yoke—enduring the stranger in its territory

* Campion, p. 20.

† Hanmer's Chron., vol. ii. p. 228.

‡ Sir John Davis's Discovery of Causes, &c. p. 2.

without ever losing the hope of his expulsion? How did it happen that these two populations, the one conquering and the other conquered,—the latter sometimes subdued, sometimes in rebellion,—the former always superior without being master—have lived together in a state of warfare for centuries,—either in a state of fierce warfare without one annihilating the other, or in a state of peace without mutual union.

Three principal causes facilitated the Anglo-Norman invasion of Ireland; first, the social and political condition of Ireland in the twelfth century; second, the still recent fact of the Danish invasion; and third, the influence of the court of Rome.

SECT. I.—*Political Condition of Ireland in the twelfth century.*

In the twelfth century the political organisation of Ireland was such that its social forces, infinitely divided, could be held together by no common bond. The four provinces, Leinster, Ulster, Munster, and Connaught, had each a separate king.* In truth, these four kings recognised one of their number as monarch of all Ireland, but his

* There was a fifth king in Meath.—*Tr.*

supremacy was more nominal than real; besides, none of the four provinces having the privilege of conferring on its monarch the power of ruling over the rest, violent quarrels arose at the death of every sovereign, each of the four equal kings claiming the vacant monarchy.* The same elements of discord and anarchy which incessantly divided the four provinces externally, were also to be found in their internal condition.

For, as beneath the same monarch were placed kings who were his equals, though subordinate to him, so beneath the king of each province was an infinity of secondary kings and princes, who were also as equal, as independent, and as divided as their immediate superiors.† This fractional division of the social forces did not stop there. After the petty principalities came a multitude of clans, tribes, and families, all separated from each other, not only independent among themselves, but held by the feeblest ties to the sovereignty within whose sphere they were comprised.‡ Besides the inherent weakness arising from this indefinite sub-

* Leland, vol. i. The two great families which disputed the supremacy, at the time of the contest, were the O'Connors and Hy Nials, or O'Neills. Dermot was a partisan of the latter, and hence Roderic O'Connor eagerly seized the first pretext for his expulsion.—*Tr.*

† Leland, vol. i. p. 11.

‡ Gordon's History of Ireland, vol. i. p. 31.

division of public powers, there was in such a political state another source of exhaustion and ruin; to wit, the perpetual struggles which arose from this great number of equivocal sovereignties, of rights destitute of sanction, of authorities, rivals in fact, though nominally subordinate one to the other, and which incessantly produced opposing pretensions which could only be decided by war.* The chiefs of clans presented, within the narrow limits of their authority, the same spectacle of discord and anarchy as the petty princes above them, in less restricted bounds, and as the kings of the provinces in the wider circle of their power.

It may be easily conceived, that a country where the social forces were thus mutilated, and had no point of contact, save for mutual destruction, was of all countries the most favourable for the invasion of a conqueror. However powerful those forces might have been, collected in a mass, each of them was annihilated in isolation. Such was the state of Ireland at the epoch of the Anglo-Norman conquest.

* In the list of one hundred and seventy-eight monarchs of the Milesian line, enumerated by Irish historians, only forty-seven died natural deaths;—seventy-one were slain in battle, and sixty murdered.—*Tr.*

SECT. II.—*The still recent Invasion of the Danes.*

Ireland, which has suffered so cruelly from conquest, was the last of the European countries conquered. At the time when the savage nations of the north sought countries to invade, Ireland, separated from them by two seas and one large island, long escaped their notice; the Romans disdained it, the barbarians knew it not. Gaul and England had been each stained by three invasions, while the soil of Ireland remained intact. Still, about the middle of the ninth century, the Danes, a people issuing from the forests of Scandinavia, landed in Ireland: they occupied a part of it without much difficulty; but the opposition to them became vigorous and obstinate. After a series of sanguinary combats, and alternations of victory and defeat, these stern conquerors abandoned the hope of founding an empire in the heart of the country, and limited themselves to the occupation of some points on the south and east coast of Ireland.* Dublin, formerly Dyvelin, Wexford, and Waterford, are Danish cities.† Thus, the

* Under Zurgesius, the Danes for a brief space established their authority over the whole of Ireland.—*Tr.*

† A little before the Anglo-Norman invasion, the Danes these cities declined the jurisdiction of the Irish prelates, and placed themselves under the see of Canterbury.

Irish, who had been sufficiently strong to check the Danes in their invasion, were too feeble to expel them completely; and at the moment when the Anglo-Normans came into Ireland, the Danes remained masters of all the east coast of Ireland, lived in a sort of tacit peace with the Irish, who were contented to see their conquerors confined to a narrow space, with the understood condition that they would not pass its limits.

However this may be, these struggles, maintained for three centuries, had exhausted the country, and increased the weakness of the body politic, already so great.*

The presence of the Danes on the Irish soil at this epoch diminished, for another reason, the strength of Ireland. The Anglo-Normans landed precisely in that portion of the country which was occupied by the Danes; consequently the Danes had to sustain the first shock of the Norman invasion. Now, it is impossible to imagine a more unfortunate circumstance for a country menaced by invaders. On one side the Danes, defending against the Normans a precarious and contested possession, could not display the zeal and devotion of a people summoned to the defence of their coun-

* So weak were the Irish, that the king of the Isle of Man attempted the conquest of their country.—*Tr.*

try.* On the other side, the Irish, seeing the Anglo-Normans engaged with the Danes, their first assailants, fluctuated between the terror which the new conquerors inspired, and the satisfaction with which they beheld the destruction of an enemy established in their territory.

All these circumstances united, sufficiently show how Ireland, both social and political, must have been weak in resisting the Anglo-Norman invasion.

SECT. III.—*Influence of the Court of Rome.*

The third cause favourable to the invasion was, the influence, then all-powerful, of the court of Rome, which gave Ireland to the conquerors.

It was the time of the temporal and spiritual supremacy of the popes, the rivals of kings, the tribunes of the people in the middle ages; it was the time in which, when the most powerful prince resisted the court of Rome, the successor of St. Peter deposed him from his throne, and found the people submit to his decrees. At this time Ireland was eminent for its piety and sanctity amongst

* The Danes were at first disposed to receive the Normans as fellow-countrymen, but the conduct of Fitz-Stephen in Wexford drove them to resistance.—*Tr.*

the most Christian nations. Its priests were at the head of political as well as religious society.* In this country, where the social powers were feeble, uncertain, and ill defined, there was no fixed and invariable rule but that of religion,—no undisputed authority common to all but that of the priest.† I find, in 1160, ten years before the Conquest, the Archbishop of Armagh regulating, as supreme arbiter, the quarrels of several Irish kings, between whom he alone could restore harmony.‡ Now, this clergy, supreme in Ireland, had for a quarter of a century been subject to the church of Rome.§

It was under such circumstances that Henry II. came to Ireland. He offered himself as a prince, the friend of peace and justice, who came not to strip the Irish of their rights, but to ensure their tranquil enjoyment of them; when he departs, he will leave their political power to the great, their domains to the proprietors, their spiritual authority to the priests, their country, their laws, and their institutions, to all. He only wants one thing, the title of Lord of Ireland, and he will

* Mac Geoghegan, vol. i. p. 464.

† Gordon, vol. i. p. 105.

‡ Mac Geoghegan, vol. i. p. 462.

§ The papal authority was for the first time formally recognised at the synod of Kells, A. D. 1152.—*Tr.*

only avail himself of it to promote religion and morality;* and he claims not this great mission as his own; he has received it from Pope Adrian IV. and Pope Alexander III.; he seizes Ireland, not to satisfy ambition, but to obey the papal bulls. Religious Ireland, which at this period recognised the authority of the Romish church, could not receive harshly a monarch who presented himself to her with so solemn a mandate as that of the sovereign pontiff. Thus, all the great dignitaries of the Catholic church in Ireland were seen to proclaim the rights of the king of England.† It may well be conceived how this moral assistance of the clergy, the most powerful that could be directed against Ireland, must have protected an invasion already favoured by so many other causes.

Thus the social and political condition of the Irish,—the presence of the Danes in the midst of them,—their very religion,—all these causes combine to explain the facility with which the Anglo-Normans gained a footing in Ireland.

* Lingard, vol. ii. p. 205.

† The sovereignty of Ireland was solemnly granted Henry II. at the council of Cashel, over which the papal legate, Christian bishop of Lismore, presided. The only Irish prelate absent was Gelasius, Archbishop of Armagh, but he subsequently came to Dublin, and publicly gave his full assent to the proceedings of his brethren.—*Tr.*

CHAPTER II.

We are now to inquire how, when the invasion was made without difficulty, the conquest could not be completed without perils continually renewed for centuries.

This fact is also explained by three principal reasons; the first equally derived from the political condition of the Irish; the second, from the relations between the Anglo-Normans and England; the third, from the condition to which the natives were reduced by the conquerors.

Sect. I.—*Political condition of the Irish an obstacle to the Conquest.*

I have just said that the indefinite division of the social forces in a country singularly facilitate an invasion; I shall add, that nothing is more adverse than this fractional partition to the permanent establishment of the victor in the conquered country. That which is, in the first instance, a source of weakness for the invaded country, becomes, in the second, the principal cause of its strength. In the same proportion as

it is difficult for the people resisting the invasion to unite suddenly all its divided elements of action; in the same proportion it is difficult for the conqueror to subdue, after invasion, this multitude of partial forces, spread here and there over a wide extent of territory, all of which bring to the struggle the same tribute of resistance, from the very fact of their being independent of each other.

It may be reasonably said, that a country in which the central power is strong, is at once the most difficult to invade, and that which after invasion presents the fewest difficulties to the conqueror. All the forces of the nation being assembled on a single point, offer a powerful condition of success, which once having failed, leaves the country without defence. It is just the contrary in a country where the national force is not concentrated; it is easy to invade, and difficult to conquer. This is distinctly seen in the first ages of our (French) history. The conquests of the men of the north, which so terribly succeeded each other, were only terminated when a power, feeble in its centre, but strong in its parts, was constituted in the land. Since the establishment of feudality in Europe, there have been several invasions, but there have been no conquests.

The Irish possessed very imperfect notions of the feudal system; but the division and dispersion

of the public power over the country, which is one of the characters of that system, belonged equally to their social state. This is the reason why the Danes so easily landed in Ireland, and yet could never establish themselves in the heart of the country. On the arrival of the Anglo-Normans, the same cause produced the same effects.

I believe that this social condition of the Irish injured the Anglo-Normans in the conquest of the country more than it served them in the invasion. For reasons already explained, they easily conquered a part of Ireland, but for several centuries they made vain efforts to complete their conquest. Down to Elizabeth's reign, the conquered part never exceeded a third of all Ireland, and was often less. It was called the *Pale*, on account of the palisades or fortifications with which its borders were sometimes surrounded. The *Pale* was composed of part of Leinster and the south of Munster: sometimes a victory gained over the Irish tribes, sometimes a clever treaty concluded with one of their princes, extended the bounds of the Pale, which, on the other hand, were narrowed after every reverse of the Anglo-Normans. The conquerors often endeavoured to aggrandize the Pale by invasions in Ulster and Connaught, but they were regularly repulsed during four centuries. Even in that part of the island which we call the

Pale, their power did not cease to be contested during these four centuries, and history displays to us an uninterrupted series of Irish rebellions, bursting out sometimes at one point and sometimes at another, leaving to the conquerors not a single moment of repose or security.*

The Anglo-Normans were thus stopped short in their progress; the great interest of the Irish was to expel them from the space they occupied. But we shall soon see that the same cause which, after having aided the invasion of the Normans, checked their conquests, must have assisted them to preserve what they had acquired.

In fact, scarcely had they reached Ireland, when the Anglo-Normans established themselves as feudal lords in all the places of which they were masters.† The native Irish and the Anglo-Norman colony were then nearly balanced both in strength and weakness. When the Anglo-Normans wished to extend their conquests, they found scattered here and there among the native Irish an infinity of obstacles arising from their political condition; when, after having repulsed and discouraged their enemies, the Irish undertook to expel them from the countries forming the Pale, the weakness attached to the fractional character of their forces re-appeared; and

* Geoghegan, vol. ii. p. 74—232. † Ibid., vol. ii. p. 26.

having become in their turn invaders of their conquerors, they failed before the Anglo-Normans, who, besides the advantage of resisting aggression, feeble, because they were divided, opposed to the Irish the same dispersion of social strength which is so powerful to resist an invasion. Each of the parties was strong when it defended its own territories, and weak when it attacked those of its adversary.

SECT. II.—*Second obstacle to the completion of the Conquest: the relation of the Anglo-Norman conquerors to England, and of England to them.*

The conquering population contained two very distinct elements; one party was composed of Norman lords, occupying a secondary situation in England, and who, arms in hand, came to seek in Ireland estates and higher rank; this was the feudal portion of the conquerors; it occupied the rural districts. In the train of the army came a crowd of adventurers of the lowest class, belonging to the British, Saxon, and Danish races, of which the latter had conquered the former, but all had been subdued by the Normans. These came to trade in Ireland, and settled in the cities. The first seized the ground, to live by the toils of the

natives reduced to vassalage; the second hoped to enrich themselves in the cities by industrial pursuits. Now, there was one fact which, though favourable to the country of the colonists, was eternally adverse to their establishment in Ireland—I mean the vicinity of England.

For colonists, whether they possess land or ships, it is a great element of success that they should be sufficiently distant from their native soil as to adopt the conquered land for their new country; that they should not have the wish nor the means of leaving it to return to their birthplace; that it should be as difficult to leave it as to reach it; and that, on setting their foot on the invaded soil, they should feel it necessary to become its masters for the future, or to lose their lives in the struggle. Unluckily, such was not the situation of the Anglo-Normans who came from England to Ireland. These emigrants never quitted home without a design of returning. Ireland was never their adopted country: they have always taken it in some sort on trial, and on the condition of separating from it if they were dissatisfied; to them the experiment, if unlucky, was not fatal; they escaped to return to England, where they always had their main interest. Nearly all the Norman lords who obtained land in Ireland

did not cease to be proprietors in England,* and with most of the merchants in the cities their Irish trade was only a branch of their commercial establishment in some English city. To the Norman lord, Ireland was a farm; to the British merchant merely an office; if both failed, they returned home without much loss. From this state of things it resulted, that a great number of the new inhabitants of Ireland had, at their arrival, an interest more or less great to quit it; and even when they remained, it was always with a resolution not to stay permanently; it was not an honest, definitive residence; when they gave themselves to Ireland, they did not cease to belong to England; hence the perpetual arrivals and departures from one country to another, which gave Ireland, not the appearance of an English colony, but of a place of pilgrimage; hence the absence of the proprietors of Irish lands, so often lamented, and against which the interests of the country and the English government struggled in vain;† hence came the passing population of colonists, succeeding each other with frightful rapidity, all bearing in their

* Mac Geoghegan, vol. ii. p. 70.

† Absenteeism was made the subject of complaint in the reign of Edward I., was taxed by Richard II., and threatened to be punished with forfeiture by Henry VIII.—*Tr.*

breasts the same dislike for the new country, the same sympathies for the country they abandoned.

It is a portentous starting point for a new colony, when those who take possession of the land are not bound to it by strong ties, and, as I may say, rooted to the soil. The absolute necessity of living on the conquered land gives the conqueror greater energy to subdue it, and gives birth to more prudence, more justice, and more humanity, in his relations to the vanquished.

If the Anglo-Normans never completely subdued the Irish, if they were unjust and cruel in their government, is it not especially because they did not look upon themselves as linked, without hope of return, to the destiny of the conquered country, and that, seeing England always near as a friendly land, a refuge in case of shipwreck, they were never excited nor restrained in their actions by feeling that success was necessary, and failure without remedy?

The starting point of the Anglo-Norman population established in Ireland has had a marked influence on the destiny of the country.

When the Normans had conquered England, all the great vassals, having to struggle against the authority of the crown, adopted two principal means of increasing their strength; they formed a strict union amongst themselves, and they mingled

with the vanquished populations, in whom they found external support.

The Norman conquerors of Ireland had not a like interest to adopt the same course, because their king resided in England. Scarcely were they masters of a part of Ireland, when they divided amongst themselves, and commenced those deplorable struggles in which the interests of the country were absolutely sacrificed, and into which each of them merely carried views of personal aggrandisement. The strong castles which they constructed, both as residences and fortresses, became the theatre of private quarrels, in which the Normans exhausted against each other the forces which they should have reserved for the common enemy. Some possessed immense domains and great power; they lived almost like kings in the midst of their vassals; their fiefs were erected into palatinates; they created knights at their pleasure; and no authority had access to their domains, not even the officers of the king.* These great barons subdivided each of their possessions into an infinite number of sub-tenancies, making grants of land on the condition of military service,

* The Geraldines, in the reign of Henry III., seized and imprisoned a lord deputy for opposing their exactions; and it was not without difficulty that they were persuaded to set him at liberty.—*Tr.*

just as the king had done to them.* Placed at a distance from the only supreme power which could control them, the great vassals, jealous of each other, because they were nearly equal, aspired mutually to destroy each other, and during three centuries Ireland was covered with blood, shed in support of these sad rivalries. The history of the conquest is entirely filled with the quarrels of the Butlers and the Fitzgeralds, who during four hundred years divided the colony.† Thus Ireland had scarcely escaped the first violence of the conquest when she fell into all the evils of feudal anarchy ;‡ and feudal anarchy was more disastrous in Ireland than anywhere else, because the Norman vassals, far from their sovereign lord, gave

* Hence the criminal calendars in the disturbed Irish county exhibit the names which in England would be deemed most aristocratic—Fitzgerald, Burke, Lacy, Grace, Butler, &c.—*Tr.*

† The Butlers supported the house of Lancaster, the Fitzgeralds that of York ; but they cared more about their own rivalry than the disputed succession. In one of their contests, the old Earl of Desmond, desperately wounded, was made prisoner, and borne on a litter from the field. When tauntingly asked by the conquerors, "Where now is the great Earl of Desmond ?" he spiritedly replied, "Where he ought to be,—on the necks of the Butlers."—*Tr.*

‡ The exaction of "coyne and livery," or food and pay for their retainers, was one of the most ruinous oppressions to which the cultivators of the soil were subject. Baron Finglas, chief justice of Ireland under Henry VIII., declared, "it would destroy hell, if used in the same."—*Tr.*

themselves up without restraint or reserve to all sorts of disorders and excesses.* It was a feudality without a king. Thus abandoned to the counsels of their own selfishness, the conquerors lost sight of the common interest; each consoled himself for seeing the power of all weakened, provided his own was augmented; and he who had extended his own domain cared little if the circle of English possession in Ireland was restricted. There was not a cause of increase for individuals which was not a cause of ruin for the mass. Strange situation! the vassals of the king of England were too distant to be restrained by his authority, and yet they were sufficiently near to demand assistance when it was required. Hence a sad consequence resulted; their tyranny, unrestricted by superior power, could be exercised with impunity over all the inhabitants of Ireland. They had a very feeble interest in rendering the population happy, whose aid against the king they did not absolutely require; and they could oppress that population without reserve, sure of royal aid to suppress any insurrection.

It may be easily seen how many obstacles to the

* In a curious remonstrance of Fedhlim O'Connor to King Henry III., we find, among other claims for the cruelties and robberies of De Burgho, a charge of three thousand marks for the burning of churches and the massacre of the clergy.—*Tr.*

subjugation of Ireland arose from the situation of the conquerors relative to the native Irish. Other difficulties not less grave arose from their relation to England.

From the very first day of the invasion a violent collision was manifested between two interests widely distinct—the interest of the conquering Norman lords, and that of the king of England.

In order to attain their object, the complete subjugation of the invaded country, the Normans ought to occupy the land, reduce the natives to vassalage, and when once masters of the population, govern it with equity, mingle with it by slow degrees, and, in one word, preserve by peace and justice what had been obtained by all the violence and iniquity of war. It is only at this price that conquest, always founded on usurpation, can render itself legitimate in the course of time.

On the other hand, the English monarchs feared that if their Norman vassals formed too close a union with the Irish population, and were fused with them, a new people might arise from the mixture, sufficiently strong to assert its independence, and too close not to be formidable; they thought, on the contrary, that if the conquerors never ceased to be English, if they never united with the natives, but remained as intermediates between them and England,—if, in a word, they

remained simple colonists under the protection of the mother-country, then conquered Ireland would cause no alarm to England, but would become a valuable possession.

The entire evil has originally risen from this opposition of interests; the result was, that Ireland had a mixed government, half feudal and half colonial; the king was too distant to have the feudality well regulated,—the vassals were too powerful to have the royal colony obedient. This conflict between the English kings and their vassals continued during four centuries with various fortunes: in consequence of these vicissitudes, Ireland was sometimes led by the Anglo-Norman feudality, which, in the midst of all its evil passions, often yielded to the interest of all conquerors—that is, to mingle with the conquerors,—sometimes by the royal power, which feared that its supremacy could not be retained, except by preventing the union of the victorious and the vanquished.

Scarcely did Henry II. learn the prosperous issue of the invasion of Fitz-Stephen, and subsequently of Strongbow, than in his quality of king he claimed the advantages; and wishing to ensure his rights, he recalled his victorious vassals to England, forbade them to pursue the conquest, and, in order to complete it himself, went in person to Ireland.

We may well be surprised that Henry II., so jealous of maintaining his royal superiority over his conquering subjects in Ireland, should first have founded for their profit that feudal power which at a later period became the rival of his own. All the power of the barons, in fact, arose from the large grants of land which he made, or permitted them to make; but Henry acted thus because he could not act otherwise.*

A conquest was not effected in the middle ages as in the present. In our days, the prince who subdues a country garrisons it with a paid and permanent army; and whether he aids his subjects to become colonists, or leaves the possession of the soil to the natives, he remains, by means of his soldiers, master of the conquered country.

Nothing like this could occur at a time when a king possessed neither a permanent army nor soldiers properly so called. His military forces did not belong to him personally, but were furnished by his vassals, who, in return for grants of land, paid a military service restricted within

* Henry II. had formed wise plans for extending and securing his conquests, when he was recalled to England by the alarming intelligence of the rebellion of his ungrateful sons, and the arrival of two papal legates to inquire into the circumstances of Becket's murder. He never afterwards had leisure to return to Ireland. —*Tr.*

narrow limits. The feudal army could not be required by the king, save in determined cases. Compelled to support a defensive, it was not bound to an offensive, war. When a conquest was undertaken, all who accompanied the king submitted without doubt to feudal rule, but no one was bound to follow him; and when his vassals, in such a case, joined him, it was under the condition, expressed or understood, that the conquered country should be divided between all, according to the rank of each. Henry II. could not have conquered Ireland without his vassals; without them he could not preserve his conquests, and he could not pay their past services, nor ensure their future devotion, without bestowing lands; he granted them in all Ireland, with the exception of some royal reserves,* and on this condition he had an army.†

The difficulty was, to give them a power which he could not refuse, and at the same time preserve his own. Here we must repeat a fact which constantly presents itself in the history of Ireland, and which, however viewed, is always a misfortune or an embarrassment,—I mean the geographical position of Ireland with respect to England.

* Mac Geoghegan, vol. ii. p. 139, gives an interesting account of the levying a feudal army by Edward III.

† Plowden, vol. i. p. 37.

When we examined the condition of the Anglo-Normans in Ireland, whether as land-owners or merchants, we found nothing more adverse to them than the extreme vicinity of England. If we now consider it in another point, that of the royal interest, we shall find that Ireland, instead of being too near, was too distant. In truth, from the mere absence of the king, the vassals found themselves independent, and beyond the reach of royal authority; and it was commonly said that the king's subjects in Ireland were more Irish than the Irish themselves. (*Ipsis Hybernis Hyberniores.*)* We have seen above what a sad use they made of this independence, and how they pursued their selfish designs in despite of the royal power. They had only one common interest in which they could agree with the king; that was, when the existence of the English colony was so menaced, that the vassals ran the risk of losing their estates, and the king his lordship. But when the Anglo-Norman possession was secured, the quarrel was renewed between the Normans, who, no longer having need of the king, evaded his power,

* Some of the Norman barons actually abandoned English law, manners, and name, to assume the character of Irish petty princes. Thus two of the De Burghos, having usurped the lands of their nephew, took the titles of Mac William Oughter and Mac William Eighter (the farther and nether Mac William.)—*Tr.*

and the king, who, seeing the conquest secure, did not fear to weaken the conquerors.

Doubtless the king would have triumphed in the struggle, if he had been able, if not to reside permanently in Ireland, at least often visit it, to show his power. But we must remark, that from the time of the conquest to Elizabeth, that is to say, during the whole period embraced by our first epoch, the kings of England had not a single moment of political leisure, domestic or foreign. The domestic feuds of the Plantagenets, the wars with Scotland, France, and the barons, and, finally, the murderous contests of the houses of York and Lancaster, spent the blood and wasted the strength of England. None of the monarchs who succeeded each other during this terrible drama could, for the sake of his power in Ireland, leave England, where his life was not less menaced than his crown.*

Placed in the absolute impossibility of governing the Anglo-Irish colony themselves, the kings of England were forced to delegate their power to a deputy; but it was a further misfortune that they could never procure good delegates. Their representative, called sometimes viceroy, sometimes lord deputy, lord justice, or lord lieutenant, was,

* Richard's absence in Ireland afforded Henry IV. an opportunity of usurping the crown.—*Tr.*

in general, either too weak or too strong. If they selected one of the great vassals in Ireland, they did not find in him a willing instrument for the repression of the Norman lords. A great feudatory himself, he made common cause with his fellows, and turned against the king the arms with which he had been supplied to combat feudality.* If, to escape such a peril, the king chose a less considerable personage for his lieutenant, such as a simple knight, whose worth was merely personal, then this deputy, possessing only the royal confidence and his own merit, had no influence over the great vassals with whose government he was charged.†

Henry II., John, (when a prince,) and Richard II., are the only kings of England, who, during the four centuries succeeding the invasion, showed themselves in Ireland; and they only appeared there, being always called home by some interest superior to the peace of Ireland. "In 1395," says an Irish historian, with great candour, "Ireland would have been assuredly conquered by

* This was particularly the case with the Geraldines, whose family connexions were very extensive.

† To this cause must be ascribed the failure of Sir Thomas Rokeby to tranquillise Ireland. (A.D. 1053.) He was one of the most enlightened governors Ireland ever possessed, but he wanted power to accomplish his designs.—*Tr.*

Richard II., had he not been called home to resist the Duke of Lancaster."

It is now evident that numberless obstacles, arising both from the relations of the Anglo-Normans to England, and from those of the English kings to the feudality established in Ireland, impeded the conquest of that country.

SECT. III.—*Third obstacle to the Conquest; the condition imposed on the natives by the conquerors.*

The great interest of the Anglo-Normans was, as I have already said, to unite as rapidly as possible with the natives, and to form with them a single community, completed by sentiments, ideas, and interests. Victory physically unites the conquerors and the conquered, but a moral alliance between them can alone give permanence to the conquest.

Now the first means that presents itself to conquerors for sowing among the vanquished the seeds of union and mutual sympathy, is to give the latter a share in the social and political advantages of the established government, and at once place them under the rule of a common equity.

* Mac Geoghegan, vol. ii. p. 161.

But, whether through pride, selfishness, or weakness, the Anglo-Normans, during four centuries, adopted a contrary course of proceeding towards the native Irish.

No sooner were the Anglo-Normans established in Ireland, than they at once came into possession of the privileges and liberties peculiar to feudal society, which the kings of England had probably no inclination to dispute, even if they possessed the power. They had recognised rights, guarantees formally stipulated, and institutions as free in principles as those of England. Trial by jury was established in Ireland; laws were made in Irish parliaments, composed of Lords and Commons; and shortly after Magna Charta was proclaimed in England, its empire was recognised in Ireland. But when the Anglo-Normans received such liberties, they kept them to themselves, and did not extend their benefits to the Irish population subject to their sway.

The vanquished population, amongst whom the national spirit was deeply rooted, naturally felt no disposition to take the new law of the conqueror; it clung to its ancient traditions and old customs, and perhaps it would have taxed the utmost efforts of the conquerors to obtain the adoption of their laws. But instead of labouring to give such laws, the Anglo-Normans, or rather the kings of Eng-

land, whom they were forced to obey, were absolutely opposed to the introduction of English law.*

We have seen already the interest which the English king had in preventing the union of the Anglo-Normans with the native Irish, which he feared to see become too strong, and the division of whom was weakness.

The Norman barons, on their side, who committed the greatest disorders, and severely oppressed the native population, were interested in preventing the sufferers from appealing to English law for protection against their outrages.†

* Mr. Beaumont is not quite justified in ascribing the opposition to the introduction of English law either to the Irish people or the English monarchs; both frequently evinced much anxiety for such a consummation, but they were baffled by the local ascendency. In the reign of Edward I., the Irish princes contiguous to the English settlements offered to the king, through his deputy, a subsidy of eight thousand marks, on condition of being admitted to the rights of British subjects. Edward earnestly recommended their petition to the Anglo-Norman parliament, but it was rejected by that body with every mark of indignation.—*Tr.*

† Five Irish septs or families, called the five bloods, were admitted to the benefit of British law by Henry II. In the roll of pleas, 28 Edward III., is the following curious proof that the exclusion of the rest of the natives amounted to a total denial of justice.

"Simon Neal complains of William Newlogh, that he, with force and arms, &c., broke the said Simon's close, &c., whence he says that he is damaged to the amount of twenty shillings, and thereof, &c.

Thus, after the first chaos of invasion, the Anglo-Norman population and the native Irish, instead of displaying a tendency to unite, ceased not to form two separate communities, having each its distinct government and its own laws.*

This separation established by law in political society was introduced into the cities by municipal regulations.

Immediately after the conquest, Anglo-Norman populations were established in the Irish towns: these settlers came for the purposes of commerce and industry, and they failed not to procure for themselves the monopoly of both. These towns successively obtained charters which granted them certain

"And the aforesaid William comes now and says that the aforesaid Simon is *an Irishman, and not of the five bloods*, and asks judgment if he be held to answer him."

Fortunately Simon was able to prove himself one of the five bloods, viz. the O'Neills of Ulster, and he therefore obtained compensation.—*Tr.*

* Hardiman says, "No fact is better authenticated than that, for many centuries, the native Irish continued to enact laws in their own districts to prevent any intercourse whatever with the English settlers, whose rapacity and want of principle, say the native historians, were so notorious, that they became proverbial.

With one of English race no friendship make;
Shouldst thou, destruction thee will overtake;
He'll lie in wait to ruin thee when he can;
Such is the friendship of an English man."

History of Galway, p. 68.

privileges, and constituted them municipal corporations.

As the exclusive interest of a town composed of merchants is a commercial interest, it may be easily understood that the municipal corporations of Ireland were commercial corporations. Now, these corporations followed the inclination natural to all privileged bodies, which is an exclusive tendency.

The Anglo-Norman towns had doubtless an interest in trading with the natives, but they had from the beginning a double interest to exclude the Irish from their walls; first, because this exclusion was ordained by statute, and they could not with impunity break the law; secondly, because to admit a new citizen within their precincts was generally to admit a new commercial rival.[1] So that though they were compelled to form commercial relations with the natives, they took care that they should not share in their commercial privileges.

Still such is the irresistible sympathy which leads the best separated populations to unite, that in spite of all these obstacles, the Irish and the conquerors made several efforts to approximate; and as the English law did not permit the Irishman to become an Anglo-Norman, the Anglo-Norman became an Irishman: the vanquished being unable

to receive the laws of the victor, the conqueror took those of the conquered.

* It was attempted to check this tendency by the STATUTE OF KILKENNY, (A. D. 1366, Edward III.,) an act memorable in the dark annals of Irish legislation. This law provided that marriage, fosterage,† or gossipred‡ with the Irish, or submission to the Irish law, should be considered and punished as high treason. It declared that if any man of English descent should use an Irish name, speak the Irish language, or observe Irish customs, he should forfeit his estate, until security was given for his conformity to English manners! It was

* In the translation of this passage, a slight liberty is taken with the text; Mr. de Beaumont took his account of the Statute of Kilkenny from Sir J. Davis, who only quotes the parts which bear on a particular point; it has been deemed better to turn to the act itself.—*Tr.*

† The custom of placing the children of the chief to be nursed by the wife of a favourite tenant is not yet banished from remote districts in Ireland. The fraternal link was not more binding than that between the foster-children, and the nurse was scarcely less respected than the mother. In spite of the law, the custom was adopted by the English and their descendants to a very late period: the Irish customs and excise are full of records connected with provision made for persons connected by fosterage.—*Tr.*

‡ In the Irish church, before its union with Rome, the relation of sponsor to god-child was deemed more sacred than it ever has been in the Latin or English church, and traces of the feeling are still discernible.—*Tr.*

also declared penal to present a mere Irishman (that is, one not of the five bloods,* or who had not purchased a charter of denization) to any benefice, or receive him into any monastery. And finally, it was strictly forbidden to entertain any native bard, minstrel, or story-teller; or to admit an Irish horse to graze on the pasture of a liege subject.

These proscriptions were not idle menaces; in the reign of Edward IV., Fitzgerald Earl of Desmond, one of the greatest of the Anglo-Norman barons, was condemned to death, and executed, for having married a wife of Irish blood.†

Thus the link destined to unite the conquerors and the vanquished was broken so soon as it was formed.

The policy of England opposed equally to the Irish becoming English, and to the English mingling with the Irish, compelled the vanquished to become enemies. They remained such, and after a thousand submissions, simulated or sincere, they

* See note, page 36.

† Desmond was put to death, without the formality of a trial, by the Lord Deputy, Tiptoft, Earl of Worcester, who procured an act of attainder against both him and Kildare, for "alliance fostering and alterage with the king's enemies." His real crime was ridiculing the king's marriage with Lady Elizabeth Grey. He had been previously a royal favourite on account of his services against the Butlers, who were partisans of the house of Lancaster. —*Tr.*

incessantly renewed their struggles, which, though inadequate to establishing their freedom, rendered the triumph of the conquerors singularly precarious and insecure.

Two facts prove, better than the most laboured reasoning, the sad effects of the plan adopted by the English for the government of Ireland.

In 1406, three hundred years after the invasion, the Irish made war at the gates of Dublin, and ravaged with impunity the suburbs of that city: in the middle of the reign of Henry VIII., when that prince was at the height of his power, the extent of the Pale was limited to a radius of about twenty miles.*

SECOND EPOCH.

From 1535 to 1690.

RELIGIOUS WARS.

WHAT four hundred years could not effect, we shall see accomplished in a century—the complete conquest of Ireland. Henry VIII. commenced the work, Elizabeth and Cromwell finished it. Three despots of such a stamp were not likely to wish

* Mac Geoghegan, vol. ii. pp. 167 and 300.

the same thing without effecting it, and each of them desired ardently, though for different reasons, the conquest of Ireland. It is not the achievement itself that deserves our attention, so much as the causes which produced it, and the consequences which followed. Until then, Ireland had only been to England an object of secondary consideration; how did it suddenly become the principal object of English policy? Elizabeth expended on its conquest all the treasures of England: Cromwell displayed in its reduction all the resources of his valour and intense will; and when the great religious and political drama, which, during the seventeenth century, so fearfully agitated England and the entire world, came to a close, Ireland was the theatre of the combat; the problem of English liberty or servitude was solved on the banks of the Boyne.

Ireland was conquered—all the Irish insurrections stifled; henceforth there is but a single law in Ireland, that of England; there is no more a Pale, no more Irish provinces distinct from the colony; all becomes English Ireland, and every inhabitant is equally subject to the English sovereign. How does it happen that this contest, instead of preparing a union between the conquerors and conquered, establishes between them a new and larger separation, renders hereafter a compact

union impossible, and plants in the breasts of both parties germs of mutual hatred, which have only been further developed by the course of years and ages!

The solution of these questions is found in a single fact, which is, as it were, the soul of this entire period, and the key of all Irish miseries; I mean the opposition which was then established between the religious creed of the conquerors and the vanquished.

SECT. I. — *How, when England became Protestant, it must have desired that Ireland should become so likewise.*

The philosophic and religious movement which, in the sixteenth century, terminated in the Reformation, and produced such an immense effect in England and Scotland, did not reach Ireland: whilst England and Scotland became protestant, Ireland remained catholic.

From the first moment of its appearance on the stage of the world, the doctrine of Luther had divided nations, and this separation was not accidental.

Although the theory of the innovators was very far from freedom, it had been forced, if not to give it birth, at least to invoke its name, and that was

sufficient to ensure the Reformation a natural sympathy among populations in possession of free institutions, whilst the countries subject to despotism naturally rejected a worship sprung from free examination, and attached themselves more closely than ever to the ancient faith, which was based on authority.

This, united with several other causes not connected with my subject, explains why France and Spain continued linked to the court of Rome, whilst England and Scotland separated from it. The religious dispute of the sixteenth century was not merely a dispute of ideas and creeds, struggling with each other in the arena of intelligence and faith; it was a political war of nations; it was a solemn contest between the principle of authority represented by the immovable power of the court of Rome, and the liberty of which the Reformation was the symbol.

I have already said that England took the side of the Reformation; hence the chief cause of the misfortunes of Ireland during the period which occupies our attention. England having become protestant, must have wished that Ireland should become so likewise, and this was to wish an impossibility.

England must have wished it; and, in fact, the spirit of proselytism which then animated the

christian world, was not less ardent with her than the other countries of Europe. Her reformers were as enthusiastic and intolerant as the Catholics whom they had conquered; and religious fanaticism by itself would have impelled the English to attempt the conversion of Ireland; but they had, in addition, an imperious political reason: if they did not impose the reformed faith on Ireland, they had reason to fear that Ireland would re-establish the Catholic church. Whilst they stigmatised the Romish creed with the names superstition and idolatry, the Catholics repulsed the reformed doctrine as heretical and impious. In this season of ardent faith, one church could only be preserved by the destruction of the other. In truth, Ireland in the sixteenth century was not formidable to England except on account of foreigners. Scarcely had the great quarrel between Protestantism and Catholicism burst forth in Europe, when Ireland became the aim of all the Catholic countries, eager to overthrow Protestantism in England. It was the hope of the court of Rome, and the centre to which the intrigues of the Papacy, Spain, and France, tended. From the very beginning of the Reformation, the sovereign pontiff indicated his reliance on Ireland, by circulating an old prophecy, intimating that the throne of St.

Peter would not be shaken so long as Ireland remained Catholic.*

Thus, though England had been led, by intolerant passions, to combat the Catholic religion in Ireland, it would have been compelled to the effort by care for its own defence, and interest in its own liberties.

But I have said, that in wishing to render Ireland Protestant, England desired an impossibility, and this is easily demonstrated.†

SECT. III.—*Of the Causes that prevented Ireland from becoming Protestant.*

After the long night of the middle ages, light had suddenly sprung up amongst all the nations of Europe, and society had made rapid progress every-

* Plowden, vol. i.

† The claim of England to supremacy over Ireland for four centuries rested on a papal grant, and that grant was conditional. This fact had been so repeatedly recognised by parliaments, ecclesiastical synods, and all other public authorities, that it was universally regarded as a first principle. By adopting the Reformed religion, England clearly voided the grant; and if Ireland remained Catholic, every Irishman acknowledged the pope's right of resumption. England had, therefore, no alternative but to abandon the country, or to change the conditions of allegiance; which could not be done to all appearance at the time without subverting the ancient faith.—*Tr.*

where, except in Ireland, where the civil strife of the conquest having been perpetuated, everything remained stationary.

In the midst of a political chaos and a moral anarchy, faith in the Catholic and Romish church had alone remained in the creed of the Irish people. This faith reigned in absolute sovereignty over their minds, without any other idea to divide its empire.* Whilst the successive efforts of a philosophical spirit prepared Europe for religious reform, Ireland, in a remote corner of the world, distant from every intellectual movement, was still safe from doubt; she had learned nothing of Wycliffe or Huss; she had not heard the mutterings that preceded the eruption of the volcano; she had seen none of the brilliant flashes which heralded the great conflagration of the sixteenth century.

Of all European countries, Ireland was consequently the most attached to its ancient creed, and the least capable of comprehending the new religion which the English wished to establish.

It must be added, that had these dispositions been different, the Reformation presented itself

* It must also be added, that the native Irish clergy won the affections of their flocks by frequently interfering to check the oppressions of the oligarchy; the Irish, therefore, valued their religious system as the only institution which afforded them any protection from the tyranny of the aristocracy.—*Tr.*

under such circumstances that it could not be accepted.

Who, in fact, brought to Ireland a creed which the country neither desired nor comprehended? It was brought by a people with whom the country had been at war for four hundred years, by a people whom it hated as a mortal foe, and from whose yoke it still hoped to escape. It might be said with confidence, that if the Irish were inclined to reform their faith, this attempt of England would have prevented them; under existing circumstances, it would only be an additional motive to combat an adversary, who not only wished to conquer the country, but to impose upon it a religion.

Besides, when the monarchs of England invited the Irish to shake off the yoke of Rome, they found themselves in a dilemna, which must have invited the Irish to resistance, if they had not been impelled by more serious motives. It was from the pope that the English monarch had originally received his rights; how then could he contest the power from which he held his sovereignty? how throw doubt on the spiritual authority of the pope, whose temporal power had not been contested when it was exerted to bestow a kingdom?

The enterprise of England was clearly impossible. Thus the despotism of the Tudors, which established the Anglican church in England, only

revolted Ireland. Henry VIII. and Elizabeth seized all the monasteries, greedily confiscated all ecclesiastical wealth, commanded the use of the Anglican ritual in all the Catholic churches,* sub-

* It was a ridiculous but a very mischievous blunder of the English rulers, that they did not cause the Prayer-book to be translated into Irish; for to the mass of the people English was as much an unknown tongue as Latin. This violation of the very first principle of the Reformation, which required that prayers should be offered in a language understood by the people, excited hostility and ridicule. It was, of course, fair game for a satirist like Ward, and his attack on it is far the most pungent part of his Hudibrastic History of the Reformation.

They cried the mass down, 'cause (they said)
The priest in unknown language pray'd,
And yet themselves their prayer-book sent
To such as knew not what it meant.
And it was read, and psalms were sung,
And sermons preach'd in English tongue,
Among wild Irish; where not one
Knew what they said; but cried O Hone!
O Hone! they cried, and shook their heads,
With grief to change their mass and beads,
For what they knew to be a pray'r,
No more, poor souls, than Banks his mare.

The best passage in the book is a whimsical description of an English clergyman reading prayers to an Irish congregation; the people make responses in the wrong places, and occasionally raise an Irish howl which frightened the poor stranger.

He came at last out of his fits,
And gather'd up his scatter'd wits;
Assum'd new courage, and grew brisk,
And took his journey to his desk:

jected to severe penalties those who absented themselves from church, and made the oath of supremacy necessary for sharing in all acts of social and political life. They had acted the same way in England, but the two countries were in a different

Where, being seated in his chair,
Gives laud and praise, and falls to pray'r;
When, lo! another hill-lil-lil-im,
Which he mistook for kill, kill, kill him,
So stunn'd him that he could not pray
One word, but strove to get away;
Then in a cold sweat down he fell,
Alive or dead he could not tell.

The congregation believing the parson dead, raise a lament over him in a truly Irish style.

Oh! hub-bub-boo! (for all did weep
To see the parson dead asleep);
What made thee die? Oh, dear Aroon,
What made thee go away so soon,
And leave thy tythes behind? Hubboo,
Hadst thou not tythe of calf and cow,
Of lambs and ewes, and new-shorn fleece,
Of honey, wax, and bees, and geese?
O Hone! tythe-duck, and sow, and pigs,
Tythe-chickens, hens, and Easter-eggs.

He is finally brought home by the sexton and his wife.

Being thus in safety home convey'd,
He gets his supper, and to bed:
For always, whether well or ill,
His stomach was infallible;
Their church itself was never so
Infallible as parson's maw. *Tr.*

position. After the sanguinary wars of the Roses, the English wished, at all hazards, to give their monarchs power, which indeed they were capable of taking by force. Religious supremacy could not be refused to Henry VIII. without diminishing his royal authority, of which it formed a part, and to this the English people had no inclination. It was quite the contrary with the Irish, who, far from seeking to strengthen the power of the English monarch, were eager to escape from it, and eagerly seized an additional reason for detesting it. Thus, while Henry VIII. and Elizabeth established the reformed faith in England, according to their will and pleasure, all their efforts to fix it in Ireland terminated in three or four insurrections against England, to which, without doubt, the national sentiment was no stranger, but which, nevertheless, were principally derived from the new source of hatred springing from religion.*

Ireland was, in truth, subdued by Elizabeth.† This princess, in less than ten years, spent three millions and a half of money, an immense sum for

* The Irish Juvenal, written in the beginning of the last century, but for some unknown reason never published, says,

"You'll scarce believe it, 'tis so wondrous odd,
They hate each other for the love of God."—*Tr.*

† The semi-official history of the conquest was called Hibernia Pacata.—*Tr.*

the sixteenth century; and lost an incalculable number of her bravest soldiers in effecting this conquest. But the result of the submission of Ireland was the cessation of the war, not the adoption of the Anglican worship. Perhaps it might have been foreseen that the Irish, whilst submitting to civil and political laws, would retain their religious creed and worship; for it is the natural disposition of man, when he undergoes physical violence, to take refuge in his soul, and proclaim himself free there, while his body is loaded with chains.

The first efforts of despotism had been vain; the Irish retained only the recollection of the tyranny; they remembered that, to conquer them and change their worship, Elizabeth had waged a cruel war, followed by frightful famine and destructive plague.*

The Stuarts ascended the throne of England;

* More than one half of the population perished by the sword, famine, or pestilence. "The country," says Hollinshed, a cotemporary writer, "which was before rich, fertile, populous, abounding in pasturages, harvest-lands, and cattle, is now deserted and barren; no fruit or corn grows in its fields, no cattle is found in its pasturages; there are no birds in the air, no fish in the streams; in a word, the vengeance of Heaven is so heavy on the land, that it may be traversed from one end to the other almost without meeting man, woman, or child."—Hol. 460. It was on this occasion that the principal woods of Ireland were destroyed, and several bogs formed by the decay of the falling timber and the stoppage of the mountain streams.—*Tr.*

the English became more protestant, because they suspected that their rulers were not so. The Irish, on the contrary, believing the Stuarts Catholics, were encouraged to remain such. This is the reason why, after Charles I., the Irish, who hated the English, generally loved the king of England. The fear of fines, the dread of confiscation, the terror of imprisonment, often produced external conformity to the English worship in the towns; all those who executed any public, even a municipal office, were obliged under heavy penalties to comply with the English ritual;* finally, there was always a current of new comers from England, who were Protestants when they arrived, and remained what they were. Nevertheless, in consequence of political events, the English government which imposed this worship lost its power in Ireland; the English settlers, as well as the Irish natives, abandoned the Anglican church, and spontaneously returned to the Catholic religion. This happened after the death of Elizabeth, to whom James I. succeeded, a monarch believed in Ireland favourable to catholicism.† It

* The Elizabethan Act of Uniformity (2 Eliz.) obliged all public functionaries, from the highest to the lowest, to take the oath of supremacy.

† James I. was obliged to issue a proclamation to disabuse his Irish subjects of the notion that he was disposed to grant liberty of conscience. The proclamation is too long for insertion, but is in its way a perfect curiosity.—*Tr.*

was the same under Charles I. in 1642, when the population believed it possible to take up arms against the English parliament, and at the same time remain faithful to the king. Even during the periods of tranquillity and submission, observance of the Anglican worship was with difficulty obtained from the English inhabitants of the towns themselves. During Elizabeth's reign, the greatest persecution of the Catholics was the prohibition of their own ritual; no serious efforts were made to enforce the adoption of that of England. James I. was more enterprising without being more fortunate. During his reign it once happened that the town of Galway could not find a mayor willing to take the oath of supremacy; * and Chichester, viceroy of Ireland,† giving an account of the vain efforts he had made to bring over some leading personages to the Anglican church, whose conversion was eagerly desired, depicted very accurately the state of the country when he declared that the atmosphere and even "the soil of Ireland were tainted with popery."

* Hardiman's Galway, pp. 212, 213.

† See his letters in the collection of State-papers. Chichester's honesty may be doubted; he was anxious to make a fortune by trafficking in Irish confiscations, and the reconciliation of the Irish owners to the English church would have impeded his designs. He finally acquired immense estates in Ulster, and bequeathed to his posterity a princely fortune and a detested name.—*Tr.*

Such was the state of affairs in Ireland, that the reformed religion could not be supported by a regular and durable persecution. Circumstances necessarily and suddenly led to a general war. In England it was a struggle of parties so nearly balanced, that one was ultimately the master of the other; in Ireland it was an entire Catholic population driven to revolt when its religion was assailed.

SECT. III.—*How England rendered Ireland Protestant—Protestant Colonisation—Elizabeth and James I.*

It was impossible to convert Ireland to Protestantism, and yet it was necessary that Ireland should become Protestant.

This necessity was every day more imperious for England; for, besides its hatred against a religious and political principle hostile to its own, it feared Catholic Ireland, and the more, as its own liberties were disputed, and as the absolute governments of the continent formed many intrigues in Ireland to strike with the same blow the Protestant religion and the liberties of England.

The first means derived from persecution and war having failed, another was tried: wholesale confiscation; the expulsion of the Catholics from the Irish soil, and their immediate replacement

by Protestant colonists. This violent and odious means had nothing repugnant to the manners of the times; for confiscation and death had been at the bottom of all the political and religious quarrels from the time of Henry VIII.; it could only be said, that when tried on so vast a scale it was of difficult execution; for how could an entire population be driven from its natal soil? What was to be done with the people torn from their dwellings? How could all be massacred? If not massacred, how were they to live when plundered? And further, how could an entire people be found ready to take their place? It is not so easy as people think to practise injustice. Still the obstacles did not daunt the projectors.

The first attempt of this kind was made in the reign of Elizabeth. The genius of this queen discovered the object to be attained, and her tyranny easily adopted the means. Desmond's revolt was the opportunity.* Near six thousand acres in the province of Munster having been confis-

* Desmond was driven into rebellion by the subtle malignity of the Earl of Osmond and others, envious of his power and estates. He offered to surrender to Admiral Winter, on condition of being conveyed to England to plead his cause before the queen, but this was sternly refused. To take his trial in Ireland, was voluntarily to submit to ruin, for the political trials of that day, at least in Ireland, are edifying comments on the maxim, "It is quarrel and cause enough to bring a sheep that is fat to the shambles."—*Tr.*

cated, proclamation was made in England, offering these lands to all who would take them on certain conditions, of which the first was, that not a single farmer or labourer of Irish birth should be employed on these lands.* About two hundred thousand acres were thus distributed to the new settlers of English descent. The old inhabitants of the soil, dispossessed of their domains, only found shelter in the depths of the forests, or on the uncultivated sides of the mountains.

The work begun by Elizabeth was continued by her successors.

In the reign of James I., the real or imaginary plot of the Earls of Tyrone and Tyrconnell, and Sir Cahir O'Dogherty, having been detected, the six northern counties which belonged to them, (as suzerains,†) Donegal, Tyrone, Derry, Fermanagh,

* Leland, vol. ii. p. 301.

† The Irish chiefs possessed the *suzerainité* but not the property of the soil: consequently the guilt of O'Donnell, though even so clearly proved, could not affect the right of their feudatories, who were not even accused of treason. The English law of forfeiture, in itself sufficiently unjust, never declared that the interests of innocent tenants should be sacrificed for the rebellion of the landlords; it only placed the king in the place of the person whose property had been forfeited, and left all the relations of the tenantry unaltered. Yet were all the actual holders of lands in these devoted districts dispossessed without even the shadow of a pretence; and this abominable wickedness is even at the present day eulogised by many as the consummation of political wisdom.—*Tr.*

Cavan, and Armagh, were confiscated to the crown; rather more than half a million of acres were thus placed at James's disposal. As, after Elizabeth's first confiscation, several of the English on whom lands had been bestowed had not entered on the possession, James permitted the Scots on this occasion to share with the English in the division of the confiscated estates, under the pretence that they were nearer Ireland, but in reality through partiality for his countrymen.

The regulation of this new colony was not precisely similar to that which had served as a base for the first.

In Elizabeth's colony, the occupant of the soil should be an Englishman—in that of James I., it was necessary he should be a Protestant of the Anglican church.*

Experience had consequently shown a defect in the first colony, which an effort was made to avoid in the second.

"The original English adventurers," says Leland, "on their first settlement in Ireland, were captivated by the fair appearance of the plain and open districts. Here they erected their castles

* This rule was not enforced against the Scottish Presbyterians, who were just as unwilling to take the oath of supremacy as the Irish Catholics.—*Tr.*

and habitations, and forced the old natives into the woods and mountains, their natural fortresses: thither they drove their preys—there they kept themselves unknown, living by the milk of their kine, without husbandry or tillage—there they increased to infinite numbers by promiscuous generation, and there they held their assemblies, and formed their conspiracies without discovery." (Lel. vol. ii. p. 431.)

To escape this peril, quite a different plan was adopted for the second plantation; the confiscated lands were given to the new settlers, on condition of their residing in the woody and mountainous part of the country, whilst the dispossessed natives were left free in the plains, where they would be more easily watched. A still more important innovation was made—the Irish whose lands were confiscated, and the new English settlers who had been intermingled in Elizabeth's plan, were settled in distinct and separate districts.* It is from this colonisation that the city of Londonderry, founded by the corporation of London, arose; from it also dates the Scotch and Presbyterian settlement in Ireland; and this starting point of puritanism in Ireland is too important not to be demonstrated.†

* Leland, vol. ii. p. 431.

† Most of the Elizabethan settlers were attached to puritanism, as were also the Protestant clergymen sent over during her reign:

James I. had made great advances in his iniquitous work, and he was so proud of his success that he had nothing more at heart than its continuance. The difficulty in his view was not to dislodge the natives and replace them by new settlers, for his wisdom had solved all the difficulties of execution; the obstacle was, that there were no more lands to confiscate; and though nothing was easier than to expel the Irish from their houses and estates, it was necessary to assign a motive for such conduct. The subtle spirit of James was not long at fault. This monarch, who, according to Sully, was "the wisest fool in Europe," this pedantic spirit waged war against Ireland like a pettifogging attorney.

After ages of civil war and anarchy, there necessarily existed great uncertainty and confusion in the titles to estates in Ireland; no doubt many usurpations had been committed, but the chief defect in the titles was irregularity. Taking advantage of this irregularity, a trick well worthy his limited understanding, James resolved to deprive of

hence the Irish church has been always more deeply tinged with Calvinistic principles than the church of England. The Elizabethan adventurers, particularly those who accompanied Sir Walter Raleigh and Richard Boyle, (afterwards Earl of Cork,) were chiefly the younger branches of noble and respectable families in Devonshire and the western counties of England; they were long remarkable for their steady adherence to Whig principles, and many of them so continue to the present day.—*Tr.*

their lands all whose titles were not strictly regular, and seize them for the crown. In consequence, a crowd of lawyers, interested in the plunder by the hope of sharing the booty,* pounced upon Ireland like a flock of harpies, shook the dust from old parchments; and by their chicanery, their ingenuity in discovering flaws and errors of form, and their diligence in hunting out defects, real or imaginary, succeeded so well, that there was not a proprietor who enjoyed the shadow of security; the king obtained a vast number of estates, and was able to stock them with Protestant colonists in place of the Catholic proprietors so cleverly ruined.

SECT. II.—*Protestant Colonisation—Charles I.*

James had discovered a tyrannical expedient, of which his successor, Charles I., did not fail to take advantage.

There was in Ireland one province which had hitherto escaped every attempt at colonisation, that of Connaught. The viceroy, Wentworth, afterwards Earl of Strafford, resolved to dispossess all

* At the head of "The commission for the discovery of defective titles" was placed Sir William Parsons, an unprincipled adventurer, on whom craft and crime have conferred an unenviable notoriety. Through his exertions and those of his brother "discoverers," half a million of acres was forfeited to the crown.—*Tr.*

the inhabitants of this vast country, and confiscate it to the king, who might afterwards dispose of it at his pleasure. To accomplish this enterprise, he took with him judges and soldiers, the first to falsify the law,* the second to violate it.† Both agents admirably answered his expectations. The lawyers suddenly discovered that all the grants made by preceding kings to the actual proprietors or their ancestors were null and void, and that Connaught had no lawful proprietors but the king. It was not sufficient to discover the defect of titles, it was further necessary that the proprietors should recognise it, and withdraw; if they did not go of their own accord, they should be constrained to abandon their estates by force, and this was the business of the soldiers. Preceded by an imposing army, Strafford traversed the country, spreading terror everywhere, and receiving everywhere the most servile submission. Still, when he reached the county of Galway, Strafford was stopped in his progress by the resistance of the inhabitants: in this county, though bent under severe despotism,

* Strafford's own letters contain the most minute accounts of this mystery of iniquity.—He tells his correspondent that "he obtained a grant of four shillings in the pound, out of the first year's rent of every estate vested in the crown by these inquisitions, to the judges who presided at the trial."—*Tr.*

† Strafford says, "He took with him to each town where an inquisition was held five hundred horsemen as *good lookers on.*"—*Tr.*

there were still certain legal forms inherent in the government and the manners of the conquerors. A jury was empannelled in Galway to decide between the crown and the occupants of the land. Strafford spared no pains to obtain a verdict for the king.* Still the jurors found for the defendants.† This fact alone would be sufficient to prove that there are guarantees and protection in a jury, which will triumph over the chicanery of fraud and the menaces of force. When Strafford heard the verdict he flew into a passion—on his own authority he fined Darcy the sheriff 1,000*l.* for empannelling an improper jury—he arrested the jurors themselves, and brought them before the Court of Star-chamber in Dublin, where each of them was sentenced to pay a fine of 4,000*l.*, and to acknowledge himself guilty of perjury on his knees. All had the courage to refuse this humiliating proposition. Some time after, Strafford wrote to Wandesford, another servant of Charles, and Strafford's successor in the government of Ireland—

"I hope that I shall not be refused the life of Sheriff Darcy; my arrows are cruel that wound so

* Strafford himself says, that "he inquired out *fit* men to serve on juries."—*Tr.*

† They took courage, because they hoped that they would be supported by the influence of the Earl of Clanricarde.—*Tr.*

mortally, but it is necessary that the king should keep his rights."

Darcy was not executed, but he died of severe treatment in prison. A new jury was summoned, which, under the salutary influence of terror, found that in all time the county of Galway, like the rest of Connaught, belonged to the king; and this sentence placed all the proprietors at the mercy of the king.* Trial by jury, though one of the most vital institutions, does not save a country from the insolence of despotism, when despotism is established; still a jury defends the citizens better than any other tribunal. If it yields to corruption, it surprises the people, who believed it independent; if it resists, and fails in its resistance, it does not save those whom it wished to protect; but, associated with their misfortunes, it renders their cause more popular, and the oppression which weighs upon them more striking. In either case it sets tyranny in bolder relief.

If we consult the sentence pronounced against Strafford by the parliament of England, we are led

* The narrative would not be complete unless it was added, that the Irish proprietors had actually paid one hundred thousand pounds to the king for the concession of certain graces, of which the security of property was one. Charles took the money, but, by Strafford's advice, refused to perform the conditions.

to believe that the violence offered to the Galway jury was not the only nor the worst outrage of the kind committed by Strafford in Ireland. One of the reasons assigned for his condemnation was, "Considering that juries who had given their verdict according to their consciences have been censured in the court of Star-chamber, severely fined, sometimes exposed in the pillory, have had their ears cut off, their tongues pierced, their foreheads branded," &c.*

Too happy to be able to please his English parliament by exercising his royal prerogative, Charles I. would have gladly plundered all the Catholics of Ireland, and bestowed their estates upon English Protestants, but even his tyranny in Ireland could not procure him pardon for his arbitrary government of England. To such a degree was popular indignation excited, that the tyranny towards Ireland was actually made a ground of complaint against Strafford. The royal authority was already greatly shaken (A. D. 1640); the king then suddenly ceased from oppressing the Irish, whose support he was anxious to secure in case of a reverse. The entire project of colonisation was abandoned; the Irish were assured that there never was a thought of plundering them. When you see a Stuart just

* See Parliamentary History, and Hardiman's Galway, 105.—*Tr.*

towards Ireland, be well assured that his authority is tottering in England.

SECT. IV.—*Civil War—The Republic—Cromwell.*

It may be said that from the moment when Charles I. no longer persecuted Ireland, and abandoned the great project of the time, to make it protestant at all hazards, he was no longer king of England.

Thenceforward the true sovereign was the parliament; it was no longer an English king nor his delegate that was at war with Ireland,—it was England herself, puritan and protestant England, no longer restrained in its hatred by a prince less the enemy of the Catholics than of the Puritans. England henceforth enters into close contact with Ireland, which had become more free in its hostility to England, since the king, who favoured the Catholics in combating the Puritans, lost his power.

Two terrible cries of destruction were raised; one in England, "War against the Catholics of Ireland!" The other in Ireland, "War against the Protestants of England!" It is difficult to say which of these clamours was first raised, just as when two armies meet eager to engage, it is often impossible to decide which has begun the battle.

The day in which Scotch puritanism became master of the king and of England, Catholic Ireland was at once menaced with extermination. It did not wait for aggression to commence its defence, and in the month of October 1641 a terrible insurrection burst forth. All the Irish of Ulster whom James had so ingeniously expelled from their habitations and lands, to put English and Scotch in their places, rose in masses and fell on the Protestant settlers. In a few days, O'Neill, the Irish leader, was at the head of thirty thousand soldiers.

In this awful moment, when all the passions of the Irish were at work, we may judge which passion was predominant in their souls; and it is remarkable that in the first moment not a single Scotchman was killed; their vengeance in the beginning was directed against the English. Was not this because the national sentiment was still superior to religious passions? The Scotch, from their puritanism, were the most terrible enemies of Catholic Ireland; but they were new enemies, whilst their inveterate enemies, the enemies of five centuries, were the English, the English of Henry II., the first invader, the English of Henry VIII. and Elizabeth, the last conquerors, the English of James I., protestant and plundering settlers.

In the execution of this terrible vengeance, in which so many ancient resentments were united,

cruelties were committed which will scarcely bear recital.

The insurrection was at first regular; the insurgents limited themselves to resuming the property of which they had been deprived, without committing any useless violence. Their rapid success, at first undisputed, gave them the generosity of strength, and their first triumphs having been followed by some reverses, their violence knew no bounds; they became sanguinary and murderous; they vowed not to leave an Englishman alive.

It was then that a civil and religious war displayed itself in all its horrors.

Leland, speaking of the treatment which the prisoners received, says, "Their miserable prisoners, confined in different quarters, were brought out, under pretence of being conducted to the English settlements. Their guards goaded them forward like beasts, exulting in their sufferings, and determined on the destruction of those who had not already sunk under their tortures. Sometimes they enclosed them in some house or castle, which they set on fire, with a brutal indifference to their cries, and a hellish triumph over their agonies. Sometimes the captive English were plunged into the first river to which they had been driven by their tormentors. One hundred and ninety were at once precipitated from the bridge of Portadown.

Irish ecclesiastics were seen encouraging the carnage. The women forgot the tenderness of their sex; pursued the English with execrations, and embrued their hands in blood; even children in their feeble malice lifted the dagger against the helpless prisoners." (Leland, vol. iii. p.127).

In a short time more than twelve thousand Protestants, Anglicans or Presbyterians, were massacred.* Those not deprived of life were driven from their lands and houses, which were resumed by the old possessors.

The impulsive and determining cause of this sanguinary insurrection has long been disputed by historians. Inveterate hatred of England,—the desire of recovering the property of which they had been plundered—religious animosity—emulation of the Scots, who had forced a presbyterian covenant from the king, leading the Irish to hope for success in extorting a catholic covenant—fear of being exterminated by the Protestants—the intrigues of the

* It cannot be necessary to enter here into any examination of the very different statements given of the numbers slain at the first outbreak of the insurrection; they vary from five thousand to one hundred thousand; still less need we balance the account with the massacres perpetrated by the officers of government at Bantry and the Island Magee. Beaumont adopts Warner's calculation, which, however, is higher than that of Cromwell's commissioners, who estimated the number of Protestants not slain in fair fight throughout Ireland during the whole war at nine thousand.—*Tr.*

Catholic powers on the continent, have been all assigned as motives by different writers. Is it necessary to choose amongst these causes, and declare any single one the real cause! I think not: it seems to me more just and true to say, that all these motives, and all these passions, have more or less concurred in a single result, which doubtless would have been produced without their union.

Whether the Irish were the aggressors or the attacked in this bloody tragedy remains undecided; still it is very certain that the English Protestants and Scotch Presbyterians accepted with a sort of joy the struggle of extermination which was offered.

It is a generally accredited opinion, that the lords justices of Ireland could have destroyed the insurrection in its bud, and that, instead of doing so, they endeavoured to render it more terrible and extensive.* One of these lords justices, Sir Wm. Parsons, whose name deserves to be recorded that it may be branded with infamy, fomented the revolt, hoping to enrich himself by the confiscations of the insurgents; and the plan of this ruler and his colleagues was to engage as many as possible in the outbreak, in order that, by augmenting the number

* Warner, 103.—Leland, iii. 140—Hallam, v. 279. (See also the autobiography of Borlase, who was one of the lords justices.)

of the culpable, the harvest of confiscations, after the conclusion of the war, should be increased.*

I have no doubt that sordid passions played their part at the epoch of which I write; for never are sordid passions more abundant than when they are shaded by great passions; but what I more firmly believe is, that it was not in the power of any of the governors of Ireland to prevent a sanguinary conflict between implacable enemies, when an opportunity of battle was offered.

Remark—that the combatants were Protestant England and Catholic Ireland.

The English nation then declared by its parliament that it would no longer tolerate popery in Ireland, (Dec. 8th, 1641;) all England then cried out with one voice, Catholic Ireland must be destroyed; Protestantism must be established in Ireland; the last Irishman must be exterminated, rather than allow Catholicism in the country.

To sustain the expense of this merciless war, parliament borrowed an immense sum of money, for the payment of which it mortgaged beforehand the properties of the Catholics of Ireland. Two million five hundred thousand acres were thus pledged to the fanatic lenders. This war of destruction was to be waged against the Irish

* Leland, vol. iii. pp. 160, 161. † Hallam, vol. v. p. 276.

wherever they were found; an ordinance of parliament prescribed "that no quarter should be given to any Irishman, or Papist born in Ireland, that should be taken in hostility against the parliament, either upon the sea or in England." A captain of a parliamentary frigate, named Swanly, having seized a ship with seventy Irishmen on board, tied them back to back, and threw them into the sea. After the battles of Philiphaugh and Corbie's Dale, the Scotch shot all their Irish prisoners without mercy. It is wondrous to see how faithfully laws are observed when they are executed by the passions.*

It seemed, at this moment, as if the whole life and power of England were directed against Ireland: all the puritan passions which had been so impetuous in England, rushed with far different force on catholic Ireland. These passions were assuaged in England by the sympathy they met, but in Ireland they found a barrier which irritated them and rendered them violent. It was no longer the fanatic puritanism which made an

* Dr. Borlase, who wrote a history of what he is pleased to call the rebellion of 1641, professedly to vindicate the character of his near relative, the lord justice, *boasts* that Sir W. Cole's regiment killed two thousand five hundred rebels in several engagements, and adds, with horrid complacency, "there were starved and famished of the vulgar sort, whose goods were seized by this regiment, seven thousand."—*Tr.*

irruption from Scotland into England in the midst of an army of saints; the puritanism that invaded Ireland rushed like a bird of prey to its quarry, bringing in its train some generous emotions, but many ignoble calculations and mercenary desires.

England sent to Ireland an army of fifty thousand English and Scotch Presbyterians and Independents, more desirous of vengeance than justice, more greedy of blood than truth, more desirous of adventures and riches than of religious success.*

Scarcely had the insurrection commenced, even

* The army which Cromwell led to Ireland was composed chiefly of the Levellers, fanatics so called from their opposition to every rational form of government, and who were intent on establishing a species of theocracy, which they denominated "the dominion of the Lord and his saints." The future Protector feared these wild visionaries, and resolved to avert their opposition to his meditated scheme of invasion, by sending them to Ireland. When the army assembled at Bristol, the object of the selection could not be concealed; the soldiers mutinied and refused to embark. But Cromwell's personal influence produced obedience; at the same time their preachers worked upon the spiritual pride of these stern enthusiasts. They compared them to the Israelites proceeding to exterminate the idolatrous inhabitants of Canaan, and declared that they were a people chosen to inherit a land of promise, and purge it of idolatry and superstition. The baser motives described by M. de Beaumont arose from the belief that they were about to conquer a land which "the Lord had granted as an inheritance to his saints."—*Tr.*

before orders could be received from the English government, when the English army in Ireland gave a specimen of its zeal and sanguinary passions by the cruel manner in which it treated the revolted country. Among other deeds of extraordinary barbarity, it is recorded that, five or six days after the outbreak, Colonel Matthew massacred a hundred and fifty peasants, "starting them like hares out of the bushes." The lords justices, the deputies of the English parliament, at the same time gave the most sanguinary instructions to the Earl of Ormond, the commander of the Anglo-Irish army.

He was directed not only to kill and destroy "rebels, and their adherents and relievers," but also "to burn, waste, consume, and demolish all the places, towns, and houses, where they had been relieved and harboured, with all the corn and hay there, and also to kill and destroy all the male inhabitants capable of bearing arms.'"

One example will suffice to show how these instructions were fulfilled.

The Scottish soldiers who had reinforced the garrison of Carricfergus were possessed with an habitual hatred of popery, and inflamed to an implacable detestation of the Irish by multiplied accounts of their cruelties, horrible in themselves, and exaggerated, not only by the sufferers, but

by those who boasted and magnified their barbarities. In one fatal night they issued from Carricfergus into an adjacent district called Island Magee, where a number of the poorer Irish resided, unoffending and untainted by the rebellion. If we may believe one of the leaders of this party, thirty families were assailed by them in their beds, and massacred with calm and deliberate cruelty.

But it was especially when the English republic was established, and when the head of Charles I. fell on the scaffold, that the irruption of the English into Ireland became more fierce and irresistible; then the predominant sentiment of England was no longer concealed, the desire for the destruction of Ireland was openly avowed; the English generals landing in Ireland brought with them carnage, pillage, conflagration. Treaties made with the insurgents were openly violated.* Ireland must perish, and, to attain this object, what matters it that moral law should be outraged? It is no longer a question about reducing the people to subjection; their extermination is required; it is even advantageous that they should resist—let them fight that they may be annihilated. Everything is consequently done to exasperate

* For instance, the capitulation of Galway.—See Hardiman, p. 133.

Ireland; the sacred places are profaned; tombs are robbed; Catholic churches are changed into barracks: the very graves are searched for plunder, and insulted by impious fanaticism.

"Ireland must be destroyed" is the cry of England, and extermination has selected its most formidable instrument. Cromwell is named general of the English army. This occurred in 1649. Nearly two centuries afterwards, I passed through the country traversed by Cromwell, and found it still full of the terror of his name.* The bloody traces of his passage are effaced from the soil, but they remain fixed in the minds of men. Cromwell met but two instances of firm resistance in Ireland, and let us see how he overcame them. The town of Drogeda refused to open its gates; he employed two weapons of a very different nature for its reduction. At the moment of assault, he offered life to those who capitulated. The town surrendered at discretion. Cromwell then, with great coolness, ordered that the garrison should be put to the sword.

"His soldiers, many of them with reluctance, butchered their prisoners. The governor and all the gallant officers, betrayed to slaughter by the cowardice of some of their troops, were massacred

* One of the most bitter execrations in the mouth of an Irish peasant is, "The curse of Cromwell be on you."—*Tr.*

without mercy. For five days this hideous execution was continued with every circumstance of horror. A number of ecclesiastics was found within the walls, and Cromwell, as if commissioned to execute divine vengeance on these ministers of idolatry, ordered his soldiers to plunge their weapons into the helpless wretches. Some few of the garrison contrived to escape in disguise. Thirty persons only remained unslaughtered by an enemy glutted and oppressed by carnage, and these were immediately transported as slaves to Barbadoes."

Wexford likewise closed its gates against Cromwell, and his soldiers proceeded to put all to the sword, who were found in arms, with an execution as horribly deliberate as that of Drogheda.

The memory of Cromwell continues sullied with these horrors; but all the infamy must not be attributed to him. He had only his share; even the initiative does not belong to him. Two years before, one of these indiscriminate massacres had been perpetrated by the parliamentary army in Ireland, under the command of Colonel Jones, when three or four thousand Irish prisoners were mercilessly put to the sword, after the victory at Danganhill.

It must be frankly confessed that these crimes belong less to the men than the time and the

frightful passions of the epoch. They have been charged on a single man, because this man, more extraordinary than the rest, drew all attention to himself. Cromwell in Ireland was an agent rather than a mover; he made the most energetic use of the English hatred against Ireland, but he did not create it. If his army had not conquered Ireland, one of double or triple the force would have been sent. Constant mistakes are made respecting the power of a man; it is always set down too low or too high.

I could refute several other prejudices existing against Cromwell; and if this were the proper place, I could show that his was the first English army in Ireland that ever observed strict discipline, respected the inoffensive inhabitants, scrupulously paid for every article supplied on its march, and showed itself an instrument of order as well as of terror. The very same man who had so coolly commanded the massacres of Wexford and Drogeda, hanged two of his own soldiers for having stolen a couple of chickens from an Irish cabin. I might say, if I had leisure, that Cromwell was the first man before our time who had appreciated the future destiny of Ireland—its union with England; he realised not only the political but the parliamentary union, for in his time Ireland sent thirty members to the English parlia-

ment. Finally, I might add that his son, Henry Cromwell, was the most honest governor that Ireland had hitherto possessed: so disinterested was his administration, that at its close he had not money to defray the expenses of his passage to England.

Besides, Cromwell had not the omnipotence, even in Ireland, usually attributed to great actors on the stage of life. The conqueror of Marston Moor and Naseby was stopped in his march before the little town of Clonmel, in the attack of which he began by losing two thousand soldiers, and which he did not take until after a siege of two months. The destructive fanaticism of which Cromwell was the instrument and the guide, had encountered in Ireland a more pure and noble fanaticism,—that of a country defending its religious worship, and of religion defending a country. During the siege of Clonmel, the (Catholic) bishop of Ross, who had displayed great zeal in raising an army to relieve the besieged place, was made prisoner by Lord Broghill, who had become an auxiliary of Cromwell. He had been too distinguished in the war against the parliament to hope for mercy. Still Broghill promised the prelate his life, on condition that he would use his spiritual authority with the garrison of a fort near the field of battle, and persuade it to capitulate.

The bishop of Ross allowed himself to be led to the front of the fort, so that the garrison could hear his words. The holy man then raising his voice, without losing for a moment his calmness and serenity, strenuously exhorted the soldiers to hold out against the enemies of their religion and their country. He then came back, and resigned himself to his fate.*

Individual and indiscriminate executions greatly advanced the work of destruction; but three circumstances impeded it; first, the recal of Cromwell to England; secondly, the disgust for blood which indulgence produces in the most sanguinary; and finally, the terror caused by these murders, which, leading the insurgents to submission, gave some respite to the wearied cruelty of the conquerors. After the exterminations of war came those of peace—that is to say, judicial executions. These were few, if we consider the time. There were not more than two hundred, on the severest inquisition, condemned to death. The tribunal by which the sentences of death were pronounced, has kept the name of Cromwell's slaughter-house. We must add to this number several priests who were subsequently hanged for

* "His enemies," says Leland, "could discover nothing in this conduct but insolence and obstinacy, for he was a papist and prelate."

the mere fact of remaining in the country. Means were adopted to drive the Catholic proprietors and soldiers of Ireland into exile, but, after all, the Catholics remained in the proportion of eight to one to the Protestants.* It must be confessed that persecution is an ungrateful task, and that the extirpation of an entire people is very difficult, in spite of the assistance derived from massacres and proscriptions—in spite of the most murderous scourges.

Death and exile not having accomplished all that was expected of them, recourse was had to a last expedient, less violent, but not less iniquitous. It was resolved at all hazards to separate the English Protestants from the Irish Catholics; for the fate of the settlers sent by James I. was remembered, massacred by those whom they had plundered, and in the midst of whom they had the imprudence to live. The following expedient was adopted when it was found impossible to expel all Irishmen from Ireland. It was resolved to people three out of the four provinces, of which Ireland is composed, exclusively with Protestants, and to admit Catholics only into the fourth; not

* Sir William Petty calculates that more than half a million of Irish perished by the sword, pestilence, famine, or exile, between 1641 and 1652.

that even this was to be without Protestants, but that it was the only one in which Irish Catholics should be permitted to reside. This province, the last refuge of the Irish Catholics, was the province of Connaught, to which was added the county of Clare. All that war had ruined, all that poverty had protected from hatred or persecution—in a word, all the misery of Ireland, fled or was driven, into Connaught. But this wretched population was still the most noble in Ireland; it bore with it the faith of its ancestors and the love of its country. The whole future of Ireland was there. Having once entered Connaught, the Catholics were penned there like sheep; they were forbidden under pain of death to pass the borders. Their southern boundary was the right bank of the Shannon, and every Irishman found on the left bank could be slain with impunity. This right bank, where Ireland was sentenced to perpetual imprisonment, was the famous county of Clare, which ten years ago sent the first Catholic member to parliament. Singular expiations often arise from great iniquities.

Thus, when the poor Irish, in the excess of their distress, dying with hunger, themselves, their wives, and their children, lifted their hands

to heaven and implored mercy from their persecutors, Cromwell and his saints replied, "*Go to hell or Connaught!*"

I have said that Connaught was the only province in which Catholics were received, though it ceased not to be occupied by Protestants. It may easily be imagined how dangerous to their neighbours such an agglomeration of enemies, exasperated by their misery, must have proved, if they had not been restrained by some power in the midst of them. This power was that of the cities, which it was resolved to make Protestant, leaving only the rural districts to the Catholics. This was a more delicate task than the other, because the cities were almost exclusively inhabited by Catholics of English origin, who seemed to excite more interest than the native Irish. This, however, proved no obstacle. The English Catholics were expelled from their houses in the town, as the Irish had been from their cabins in the country. English or Scotch Protestants were immediately put in their place; the municipal offices were supplied from the army; captains became mayors, and sergeants aldermen. Sir Charles Coote, the republican general and president of Connaught, charged with the expulsion of Catholics from the town of Galway, called it "clearing the town." In his report of his mission

to the government, he says, that he had only left in Galway some persons of such advanced age and delicate health, that he could not drive them out on account of the severity of the season. The council of state approved the exception, but only on condition of his "taking care that the few so dispensed with should be removed as soon as the season would permit."

We have already seen that the English, on their first landing, expelled all of Irish descent from the towns. We now see the English Protestants similarly banish all Catholics from these same towns; these Catholics were the descendants who, some centuries before, under the pretext of right of conquest, exercised towards the Irish the same violence which now in the name of religion was practised on themselves.

All these means having been employed, death, transportation, voluntary exile, and finally the removal from one part of Ireland to another, three fourths of the country were nearly vacant, and nothing remained but to take possession. This was the hideous moment of the civil war, when the division of the confiscated lands was made; it was the moment when cupidity showed itself more odious than even the sanguinary excesses of fanaticism; it was the moment when virtues, hitherto unassailable, were corrupted by the chance of

wealth. Two classes of people especially profited by the rich spoils; Cromwell's soldiers, that is, those who had served in the army since his landing in 1649; and the speculators or adventurers who had advanced money to the English government on the security of the soil of this unhappy country devoted to destruction.

Thus the sentence of extermination pronounced by England was executed. The Irish Catholics were driven from the soil; they were expelled from the cities; property and commerce had passed into the hands of Protestants; the Irish were struck with death or isolation.

Sect. V.—*The Restoration of Charles II.*

The restoration of Charles II. proved how inevitable was the destruction of the Irish Catholics by English Protestantism.

Never was so favourable an opportunity offered to the Catholics of Ireland as on the day when the English nation, weary of revolutions, reverted to the fundamental principles of the constitution, and restored the Stuarts to the throne of England.

There was not assuredly a Catholic in Ireland who, seeing Charles II. restored to the throne of his ancestors, did not believe that he was about to recover the plenitude of his political and religious

rights. On the other hand, the actual possessors, most of them soldiers of Cromwell, and rigid republicans, or adventurous speculators, who had lent their money to wage war on "popish Ireland," trembled at a restoration, whose first result would be, as they believed, the restitution of their estates to the ancient proprietors. All were deceived; the first in their hopes, the second in their fears.

Charles II. proscribed the Catholic worship in Ireland, as his predecessors had done; he ordered that the penal laws should be executed against Catholics in Ireland; he suspended individual liberty; for fear that the Irish should come to demand justice in England, he forbade them to leave Ireland; he imprisoned as factious those who came to London to make complaint; and as a great number of the Irish had not waited for his permission to resume the possession of their properties, the king proclaimed them *rebels*, ordered them to be apprehended and brought to trial, and decreed, on his own royal authority, that all the actual possessors of land in Ireland, English and Scotch adventurers, Cromwellian soldiers, or others, should not be troubled in the possession of their lands, with the exception of those who occupied church property, or who had taken a personal share in the trial and execution of Charles I. Still it was said that the king did not refuse justice to his Irish subjects; he

recognised that many of them had been unjustly dispossessed. Means were appointed for their redress; it was to establish their *innocence* before the court of claims. Those whose innocence should be recognised were to resume their lands and houses, but with the following restriction: the lands of these Catholics were occupied by Protestants, to whom, above all things, it was resolved that no injury should be done; it was, therefore, well understood that in all cases even *acquitted* Catholics should not enter on their estates until the Protestant possessors had been reprised with equivalent properties.

In the eyes of every Irishman there was gross injustice in this royal proclamation. All those whose properties had been confiscated in England at once entered again on their ancient rights when the king resumed his crown, though the properties thus recovered had been sold after their confiscation, and fairly purchased by those who were now dispossessed. But in Ireland the spoliators were assured possession of property for which none, except the London speculators, had paid a farthing. Thus the Scotch Puritan, or English Independent, on whom the republic had bestowed the lands of the Irish royalists, found favour with the king, whilst the Irish Catholic, crushed by the republic for his devotion to the royal cause, was declared a

rebel! It was indeed said that he might obtain justice; but what form of justice was offered? He was proclaimed culpable, and required to prove his innocence.

Still there was a great number of Irishmen whom such justice and such a mode of administration did not discourage, and they presented themselves, at all hazards, before the court of claims. This tribunal was composed of judges hostile to the Catholics; still it so happened that a great number of claimants obtained decrees of innocence. This spread alarm among the Protestant proprietors, some of whom were forced to quit, and establish themselves elsewhere. It was calculated, from the number already pronounced innocent, that if the tribunal continued thus to act, lands would be wanting to indemnify the Protestants whose places would be taken by the acquitted Catholics, and the spirit of justice assuredly could not resist such a consequence. The cry of popery was raised; it was thought that if any one should be sacrificed in such a conjuncture, it should be a Catholic rather than a Protestant. Consequently the court of claims was suddenly ordered to suspend its labours; and in one day three thousand Irishmen, who aspired to no other favour than being permitted to establish their innocence, were told that their case would not even be taken into consideration.

The king of England believed it necessary that all these measures should be sanctioned by an Irish parliament, which was convoked for the purpose. This parliament was full of Protestants, which may easily be conceived, as the Protestants provisionally held the confiscated estates. Still, for fear that any dissident should step into the House of Commons, the assembly itself decreed that no member should be permitted to take his seat who had not first taken the oath of supremacy; and the House of Lords, on its side, ordained that each of its members should be obliged to receive the Sacrament of the Lord's Supper from the Archbishop of Armagh.

I have said that these acts were the consecration of gross iniquity; but the Irish must not attribute the blame entirely to Charles II.

It is certain that this prince, on ascending the throne of England, was resolved, if not to establish Catholicism as a legal, obligatory worship, at least to render its exercise as free as that of the Anglican and Presbyterian forms. One of his first acts was to promise this toleration; but he promised what he could not perform. He owed his crown to a political re-action; the two parties whose coalition had placed him on the throne, were royalists and Presbyterians, leagued against the independents and anarchists. Now the royalists, who for the

most part belonged to the Church of England, were not less enemies of the Catholics than the Presbyterians. The prince whom they had raised to the throne could not, at a time when religion and politics were intimately connected, preserve his royal power, save on the condition of not opposing the religious passions of his subjects, and he would have offended them violently by the toleration of Catholicism. At the restoration, Anglican episcopacy was re-established, almost of itself, as a fundamental law of the kingdom existing before the revolution. Hatred against the Catholic religion was thus completely renewed; popery was still the common enemy, the bugbear for frightening women and children, whose very name was sufficient to rouse all the passions. The toleration of Catholicism was the most dangerous act of hostility which could be committed against the public spirit of the times. It was, moreover, a violation of the laws of the kingdom; for these laws prescribed uniformity of religious worship according to the rites of the Anglican church, and inflicted penalties on those who worshipped God with any other forms.

Charles II. was thus condemned by the laws and passions of the country to act contrary to his inclinations. It is but just to say that he did everything in his power to pass the limits of his

royal authority. When blamed for continuing papists in public employments, he justified himself by whimsical excuses. "One," he said, "was an amateur of cock-fighting, another skilled in hunting, a third kept good fox-hounds," &c. He made use of other tortuous expedients: not being able openly to tolerate Catholicism, he wished at least to exempt the Catholics from the penalties of nonconformity; but a dispensation with these laws was manifestly a violation of them. This was clearly demonstrated by the ministers of the Anglican church, who hitherto, it is true, had professed the doctrine of passive obedience, but who, when the king wished to employ his power in favour of the Catholics, suddenly discovered that obedience was only due to the sovereign within the limits of the law and constitution. He was therefore obliged to renounce his bias in favour of the Catholics; he made, however, some other efforts which had no better success; and in order to reign, he was compelled to become the persecutor of those whom he had undertaken to defend.

When Plunket, Catholic Archbishop of Armagh, one of the victims of the pretended popish plot, was condemned to death, Essex, who had been viceroy of Ireland, solicited his pardon from Charles II., avowing that the charges were, to his knowledge, utterly false and unfounded. "Well,

my lord," said the king, "his blood be upon your conscience; you could have saved him if you pleased; I cannot pardon him, because I dare not." *

I well believe that the persecution of the Irish cost Charles less pain than that of the English Catholics, because at all times the destiny of Ireland and its people was little regarded by the English sovereigns, except when they had need of them; and Charles, being forced to persecute Catholics, hoped, by severity to the Catholics of Ireland, to obtain milder treatment for the Catholics of England.† Thus Ireland was always a resource for the Stuarts; in their days of distress, they employed the money of Ireland against England, and

* Royalist historians have frequently brought forward this anecdote to extenuate the iniquity of Charles in consenting to the execution of an innocent man. But assuredly the same excuse is equally valid for the Earl of Essex; in the moral madness which had then seized the people of England, the character of "a stifler of the plot" was scarcely less dangerous than that of an actual participation. Plunket's execution, moreover, was not merely a violation of substantial justice, but of legal forms; and it had at least this good effect, that it was one of the first circumstances which led the English people to suspect the monstrous artifices of which they had been the dupes, and to doubt the "thousand and one tales" of Oates and his associates.—*Tr.*

† Down to the very close of the reign of Charles II., the penal laws against Catholics were executed far more rigorously in Ireland than in England.—*Tr.*

promised eternal friendship for a little money and soldiers; when their fortune changed—when they again ascended the throne, they endeavoured to obtain pardon for their despotism in England by crushing Ireland with more grievous tyranny.

Charles might be pardoned for the wrongs which he committed from mere weakness of position; it is easy to see that he could do nothing for the Irish Catholics, since, in doing them justice, he must have acted harshly to the English Protestants; but what cannot be pardoned is, that he himself took a share in the confiscations. Ormond, his favourite, obtained land to the amount of 70,000*l.* annually; the Duke of York also obtained a large donation; and there was scarcely a person about the court, down to the wife of the king's scullion, who did not get some share of the booty.*

Charles, while he persecuted the Irish, need not have stained himself with the spoils of the unhappy people. But I have already said that it was not in his power to avoid persecution. If he had wished to grant the Catholics toleration of their worship, that is, according to the presbyterian phrase, "to legalise blasphemy and idolatry,"—if

* The profitable lands forfeited in Ireland amounted to 7,708,236 statute acres, leaving undisturbed 8,500,000 acres belonging to the Protestants, the constant-good-affection men of the

he had attempted to release them from the penalties of nonconformity, and restore them to the privileges of civil and political life, he would have done exactly what James II. attempted, and for attempting which he was deprived of his throne.

It must be fully recognised, that in the seven-

Irish, the church, and the crown, besides some lands never seized or surveyed. The forfeited estates were thus distributed:—

GRANTED TO THE ENGLISH.

	Acres.
Adventurers . . .	787,326
Soldiers , . . .	2,385,915
Forty-nine officers . . .	450,380
Royal Highness Duke of York .	169,431
Provisors	477,873
Duke of Ormond and Col. Butler .	257,716
Bishops' Augmentations . .	31,596
Total . . .	4,560,037

GRANTED TO THE IRISH.

	Acres.
Decrees of innocence . .	1,176,520
Provisors	491,001
King's letters of restitution . .	46,398
Nominees in possession . .	68,360
Transplantation . . .	541,530
Total . .	2,323,809

The forty-nine officers are those who claimed arrears for service under the king before 1649, (when Cromwell landed in Ireland;) the Duke of York received a grant of all the lands held by regi-

teenth century every king of England was obliged to be unjust and inhuman to one portion of his subjects, to obtain the power of governing the rest.

Thus everything conspired to the destruction of the Catholics of Ireland, and to the violent plantation of Protestantism in the country—everything. Tudors, Stuarts, republic, monarchy, friends and enemies, because the dominant power in England for more than a century was but the instrument of a general movement, which might be moderated or accelerated by accidents and human passions, but which no person or thing could repress.

We have now reached the close of the second epoch, that included between the commencement of the Reformation in England, and the definitive establishment of the Reformation in Ireland. Having pointed out the great movement of the sixteenth century, I have endeavoured to show why England, a nation of free institutions, having

cides who had been attainted; provisors were persons in whose favour provisoes had been made in the Acts of Settlement and Explanation; nominees were the Catholics named by the king to be restored to their mansion-houses, and two thousand acres contiguous; transplantation refers to the Catholics whom Cromwell forced from their own lands, and settled in Connaught.

There remained 824,391 acres which were still unappropriated; these were parts of towns, or possessed by English or Irish without title, or, on account of some doubts, had never been set out.—*Tr.*

adopted the reformed creed, must necessarily have wished that Ireland should do the same. I have related how she tried to convert the Irish to the new faith, who still remained, and must necessarily have remained, faithful to Catholicism. I have also shown that when England failed to convert the Irish, she must of necessity have employed terror and violence to render Ireland protestant. I have added that all that happened was inevitable. Am I then about to support the new school of philosophy, which bows before every popular movement, when these movements bear the impress of a certain fatality, which doubts not the sanctity of a cause when it is stamped with the seal of irresistible necessity? It would be a strange mistake to suppose that such was my belief.

When I see a man the prey of ardent or criminal passion,—when I see him, either from obliquity of intellect or hardness of heart, animated by an imperious thirst for vengeance, or an ardent sentiment of cupidity,—I can, estimating the consequence of such a depraved passion, declare that it will hurry the person on whom it has seized to crime; I may, seeing to what an extent it has subjugated his soul, foresee that it will necessarily hurry him to spoliation, or even murder. I do and can judge thus; but I do not proclaim the perpetrator of the crime innocent; I do not declare this

necessity for crime just, which I deem inevitable. I say that when error or passion exists in a certain degree, crime must follow; the effect is predestined, but the cause is not so. It was in the power of him who has gone astray to avoid error; it was in the power of him who is enslaved by passion to refuse that passion access to his heart. I say that the robber, who through cupidity seizes another's property, the murderer, who through vengeance slays his fellow, might both have resisted inclinations which, when once masters of their soul, became sovereign and irresistible.

The passions of a nation are like those of an individual. The passions which impelled England to destroy Ireland present the same character of fatality; these passions once admitted, Ireland must have perished, as fatally as the victim marked by the vengeance of an assassin—as necessarily as the weaker party in a mortal struggle. But what we want to appreciate is not the consequences of these passions, but the passions themselves,—not the fated effect, be it as necessary and inevitable as you please,—it is on the cause that we must pronounce sentence—the cause which was free, voluntary, and independent. Now, what was the cause? It was the spirit of religious intolerance; the false belief that truth must be imposed by force; the hatred of one creed towards another. Now these

errors and these passions were inherently bad; they ought never to have existed; they do not, at least to such an extent, in our days. But if it be true that Ireland, delivered up to these errors and omnipotent passions, must have perished, was not such a destruction supremely unjust, and an imputation on the moral government of the universe? It might be replied that the murder of an innocent man attaches itself only to the assassin, and does not ascend to Providence; but here another consideration presents itself to our notice.

Assuredly the spite of England against Ireland in the seventeenth century has produced the most terrible and iniquitous acts of violence ever perpetrated by one people on another. But if we trace back the principle of the evil, has Ireland such a right to complain? Ireland itself was the first depository of that intolerant spirit of which it became the victim. Does any one believe that if the fortune of the two countries had been reversed, Ireland would not have massacred the English Protestants, just as England immolated the Irish Catholics? Let us not forget the dominant passion and fatal error of this unhappy period. Ireland was the persecuted instead of the persecutor —the victim instead of the assassin; and, in my opinion, hers was not the worse part. But these considerations, which should silence Ireland, do not

acquit England; they merely show that Ireland, like England, misunderstood the essential principle of society, which is, that man is as free in his external worship of God as in his internal conscience. Both countries were guilty of this violation; the one in design, the other in deed. The stronger and the more fortunate in the struggle was the more criminal; but the victim herself was culpable. For my part, I find no reason to accuse the justice of God in these cruel wars and sanguinary controversies; I only see that forgetfulness of a single principle costs mankind much blood and much iniquity; and instead of lamenting it, I perceive in these frightful calamities the sanction of the great truths which are important to the happiness of nations; all that is most revolting in the violence of this dreadful epoch only serves to prove that there are certain principles which cannot be mistaken with impunity, and the violation of which entails the most fatal consequences. This is my interpretation of fatality.

THIRD EPOCH,

From 1688 *to* 1755.

CHAPTER I.

LEGAL PERSECUTION.

On the 1st of July, 1690, William of Orange, a Protestant prince, and under this title chosen as king by the English aristocracy, gained in person the famous battle of the Boyne over James II., a Catholic prince, the champion of absolute power, and under both titles expelled from the throne of England. Thus Catholic Ireland fell in its last struggle with Protestant England; henceforth resistance was impossible; Ireland made a final effort—it failed—the war was ended.

Catholicism, conquered once again, must pay for its audacity in daring to raise its head.

After the Restoration of 1660, some Catholics, whose loyalty was recognised by the king himself, or who were declared innocent by the court of claims, resumed possession of their estates. Amongst these restored Catholics, a great number

joined James II,, when that prince, expelled from England, appealed to the fidelity of his Irish subjects. Four thousand of them were declared rebels and traitors, and their property, amounting to sixty thousand acres, was confiscated. Although this act of public robbery* was perpetrated under the reign and with the consent of William III., it would be unjust to charge it on his memory, for he tried to prevent it. The treaty of Limerick obliged him to use his utmost efforts to obtain from parliament the security of Irish Catholics in their religion and property; but though a Protestant king, and the chosen head of a new dynasty, he had not sufficient credit with his parliament to obtain this justice: the passions of England against popish Ireland were too strong to lose an opportunity of confiscation; and though the king had signed the treaty of Limerick with his own hand, the parliament ordained that the adherents of the dethroned prince should be prosecuted and dispossessed of their lands.

By the Act of Settlement only two millions out of the eleven millions of acres which Ireland con-

* So little regard was paid to ordinary decency by the Irish parliament, that many of the Catholics were attainted for acts performed on the day when the Prince of Orange landed in Torbay.—*Tr.*

26946

tains were left to Catholic proprietors.* Out of these two millions one was now taken; so that, by successive confiscations, the Irish Catholics retained only one million of acres, or one eleventh of the (arable) soil; and even this small portion was not divided among a great number; it was concentrated in the hands of five or six Catholic families, English by descent, who, from private considerations, found favour when justice was refused. Thus the Protestant population, which was to the Catholic in the proportion of one to four, possessed ten-elevenths of the soil,—a feeble minority in presence of a plundered majority.

It is true that an attempt had been made to separate the two populations by enclosing the Catholics in one particular district, with fixed limits. But this plan could only be imperfectly accomplished. The only proscription completely executed was that which deprived one party of its property for the benefit of the other; no Catholic proprietor retained his forfeited estate; but many poor and ruined persons, who were ordered into Connaught, remained in some one of the other three provinces: they remained concealed during the

* Ireland contains more than twenty millions; but it appears that the old writers only took into account the land which in their days was deemed capable of cultivation. M. de Beaumont deems it unnecessary to correct the estimate, especially as it is the basis of the calculations used by most historians.—*Tr.*

first burst of extermination, and when the storm had passed by, they appeared again.

Ludlow, a general of Cromwell's army during the Irish war, depicts in his memoirs, with remarkable energy, the terror of the Irish papists at the approach of his army; they disappeared, as if by enchantment at the mere sound of its name; they were vainly sought in their houses, in the woods, in the plains; not a trace of them could be discovered. His conduct to a band of these unhappy wretches, which he once surprised, is thus related by himself:—

"I went to visit the garrison of Dundalk, and being upon my return, I found a party of the enemy retired within a hollow rock, which was discovered by one of ours, who saw five or six of them standing before a narrow passage at the mouth of the cave. The rock was so thick that we thought it impossible to dig it down upon them, and therefore resolved to reduce them by smoke. After some of our men had spent most part of the day in endeavouring to smother those within by fire placed at the mouth of the cave, they withdrew the fire; and the next morning, supposing the Irish to be made incapable of resistance by the smoke, some of them, with a candle before them, crawled into the rock. One of the enemy, who lay at the entrance, fired his pistol, and shot the first of our

men into the head, by whose loss we found that the smoke had not taken the designed effect. But seeing no other way to reduce them, I caused the trial to be repeated; and upon examination found that a great smoke went into the cavity of the rock, yet it came out again at other crevices; upon which I ordered those places to be closely stopped, and another smother to be made. About an hour and a half after this, one of them was heard to groan very strongly, and afterwards more weakly; so, therefore, we presumed that the work was done; yet the fire was continued till about midnight, and then taken away, that the place might be cool enough for ours to enter the next morning, at which time some went in armed with back, breast, and head piece, to prevent such another accident as fell out at their first attempt; but they had not gone above six yards before they found the man that had been heard to groan, who was the same that had killed one of our men with a pistol, and who, resolving not to quit his post, had been, upon stopping the holes of the rock, choked by the smoke. Our soldiers put a rope about his neck, and drew him out. The passage being cleared, they entered, and having put about fifteen to the sword, brought four or five out alive, with the priest's robes, a crucifix, chalice, and other furniture of that kind. Those within preserved them-

selves by putting their heads close to a water that ran through the rock. We found two rooms in the place, one of which was large enough to turn a pike; and having filled the mouth of it with large stones, we quitted it."

This recital contains the history of all the violent expedients employed to kill or banish the Catholics of Ireland. The unfortunate man, menaced by a fatal decree, hides himself whilst the peril is imminent: for a moment he is deemed dead or exiled—but when the passions of the persecutor abate, the proscribed reappears, and it is surprising to see the victim resume his place by the side of the assassin.

The Irish Catholics were exposed to two sets of tyrants; the English Protestants established in their land, and England itself, by which they were supported. The two oppressors were closely united by one common interest, keeping down the Catholics. But they had also distinct and sometimes opposite interests.

To understand their mutual situation and their respective position to the nation that groaned beneath their yoke, it as necessary to distinguish the new state of things from preceding circumstances. Before the disputes of religion, England had many interests and embarrassments in Ireland, but she had no great passions engaged in the country. The struggles of the conquest interested

the sovereign more than the nation. The English settlers were the means by which the king remained master of Ireland, and the Irish tribes enabled him to check those settlers whose efforts for independence he always dreaded. England, which detested one party as enemies, had little sympathy for the other. In this state of things, its policy to Ireland was marked out; England supported the settlers against the natives, but did not hesitate to support its own interests at the expense of the settlers.*

When the Reformation came, and Ireland preserved its ancient faith, the mutual relations of the countries were simplified. All the inhabitants of Ireland, natives or settlers, being Catholics, England regarded both without distinction as enemies, enveloped them in the same proscription, blindly struck all Ireland, exterminating natives and settlers as odious papists.†

But when, at the end of the civil wars, a Protestant population was established in Ireland, the condition of England in relation to Ireland was very

* By an act of Henry VIII. (1542) the importation of Irish wool into England was prohibited. The only custom-houses in Ireland were at Cork and Drogheda, and vessels from every other port of Ireland were obliged to go to one or other of these ports for a clearance.

† Immediately after the Restoration, the English parliament prohibited the importation of Irish cattle.

different from what it had been after the conquest, and after the earlier periods of the Reformation.

Doubtless, England was then more animated than ever by implacable hatred towards the Catholics of Ireland; but as the detested Catholics were intermingled with Protestant friends, the indulgence of hate was not easy—it was difficult to strike the one without injuring the other by the same blow. The embarrassment of England was extreme; she felt a warm sympathy for the young Protestant nation she had just founded in Ireland, composed of men who had fought with her under the same banner for the same liberties and the same religion, and which not only had the merit of braving the terrible hydra of popery in Ireland, but was moreover destined to rear the young plant of the Protestant faith in that accursed land. The passion of England was then as friendly to the Protestant settlers as it was hostile to the Irish Catholics.

There were doubtless many cases in which it was easy for England to oppress the one without ceasing to protect the other; but there were some occasions in which it was impossible to make a distinction. Thus, in commercial affairs, the restrictions on the Catholics necessarily touched the Protestants; but at this epoch such restrictions appeared to England a fundamental condition of her industrial prosperity. The English nation which, at the close of the

seventeenth century, was profoundly religious, was also at the same period essentially commercial. Thus she was at once under the yoke of two passions very different in their nature, whence resulted opposite sentiments towards the Protestants of Ireland,—an ardent sympathy for them as brothers in the faith, an anxious jealousy of them as commercial rivals.

Divided on one point, the England and the Irish Protestants were closely united on another. The annihilation of Irish Catholicism had been their common work, and England was as interested as they were in maintaining their social and political ascendency over the Catholics of Ireland.

In this state of things England deemed, that by lending the strength of her army to enable the Protestants of Ireland to maintain their ground, she might claim in turn an equivalent concession. A sort of tacit compact was then formed between England and the Irish Protestants, which might be expressed in the following terms:—

"England will aid the Protestants of Ireland, with all her might, to oppress the Catholics of that country, and keep them in servitude and misery; for which purpose she will place at their disposal her treasures, her army, her parliament: in return for which, the Protestants agree to impoverish Ireland, and sacrifice her industry and commerce to England." In other words, England said to the

Protestant faction, "Resign to me the general interests of the country, and I will ensure you dominion over the nation in which you live." The Irish Protestant answered, "I am willing to be your slave, provided you will aid me to tyrannise over others."*

Thus the Irish Protestants were secured in the conquered country, and England was gratified in her two most ardent passions, religion and love of money.

Doubtless the treaty was never reduced to writing, but what I have stated, if not its exact words, were its genuine spirit.

The mutual situation of England and the Protestants of Ireland must be taken into account, to comprehend the two kinds of oppression which weighed down the Catholics of Ireland; one which we may call *general*, and which the Protestants had to endure likewise; the other *special*, which fell exclusively on the Catholics; the first striking at the interests of the entire nation for the profit of England—the second falling only on the Catholic population of Ireland.

* It was, in fact, the argument of the fond father to the naughty child: "Take your physic, Master Tommy, and you shall have the dog to kick." The Irish Protestants took the physic, and kicked the popish dogs with a vengeance.

Let us now see how the Protestants of Ireland kept their engagement to England.

The first sacrifice required was the recognition of the supremacy of the English parliament over the Irish parliament. In former times, England had attempted to establish this legislative supremacy. Poyning's law was nothing else than an organisation of this dependence of Ireland on the English government; but, before as well as after Poyning's law, the Irish parliament, though yielding to superior force, had always protested against it, and claimed its national independence. Now the Irish parliament abandoned all its prerogatives; England declared it in a state of absolute subjection, and it kept silence.

The Irish parliament was then as much at the service of England as the English parliament itself. What the latter decreed was directly binding on Ireland; if England willed the acts of its parliament to be ratified by the Irish parliament, the latter granted the approbation requested, and if any act originating in this parliament displeased England, it was rendered null and void. Thus, the English parliament could impose any laws (save those for taxation) on Ireland without the approbation of the Irish legislature, and the latter could make no law for Ireland without the express or

tacit sanction of the English parliament. Reduced to this passive condition,* the Irish parliament per-

* Swift lost no opportunity of expressing his contempt for the degraded parliament of Ireland. In his Legion Club he thus describes their houses, which stood near Trinity College, and are now a bank:—

As I stroll the city, oft I
See a building large and lofty,
Not a bow-shot from the college;
Half the globe from sense and knowledge,
By the prudent architect,
Plac'd against the church direct,
Making good my grandam's jest,
Near the church—you know the rest.

The following less known fragment of rhyming vengeance was written when the Irish parliament sought to punish the author of Drapier's Letters.

Ye paltry underlings of state:
Ye senators who love to prate;
Ye rascals of inferior note,
Who for a dinner sell a vote;
Ye pack of pensionary peers,
Whose fingers itch for poets' ears;
Ye bishops far remov'd from saints,
Why all this rage? Why these complaints?
Why against printers all this noise?
This summoning of blackguard boys?
Why so sagacious in your guesses,
Your *effs* and *tees* and *airs* and *esses*;
Take my advice; to make you safe,
I know a shorter way by half;
The point is plain—remove the cause—
Defend your liberties and laws,

fectly accomplished its object; it was an excellent agent to consent to all the acts of oppression which should be asked of it in execution of the treaty. When a question was debated between Irish Catholics and Protestants, it was allowed full scope within this narrow sphere, and might persecute, ruin, and crush its enemies without English interference. But when a question arose between Ireland and England, the Irish parliament bowed to that of England.

I shall only cite one example of this legislative despotism imposed by the parliament of England, and accepted by that of Ireland.

One branch of industry had attained a high degree of perfection in Ireland at the close of the seventeenth century, and was especially a source of

> Be sometimes to your country true,
> Have once the public good in view—
> Bravely despise champagne at court,
> And choose to dine at home with port.
> Let prelates, by their good behaviour,
> Convince us they believe a Saviour—
> Nor sell what they so dearly bought,
> This country now their own for nought:
> Ne'er did a true satiric muse,
> Virtue or innocence abuse,
> And 'tis against poetic rules
> To rail at men by nature fools;
> But * * * * * * * *
> * * * * * * * *

wealth to the southern provinces; this was the woollen manufacture. It had a double influence on the prosperity of the country. Numerous flocks were required to produce the wool, which engaged vast pasturages for their support—this was the advantage of the landed proprietor; manual labour was required for the manufacture—this was the poor man's profit. Still, as the superiority of the Irish stuffs injured English fabrics, the parliament of England resolved that they should be annihilated. This resolution, which included the ruin of Ireland, was transmitted to the Irish parliament, and accepted.*

Such a decree, which suddenly destroyed industrial establishments, founded under the protection of the laws, was difficult of execution; and as there was reason to fear that the magistrates of Ireland would not be quite so servile as its parliament, England decided that every violator should be liable to trial before both English and Irish tribunals, and that though acquitted in Ireland, he should be liable to a new prosecution in England: that is to say, to sustain iniquity, the forms and first princi-

* In June 1698, the English parliament addressed William III. to discourage the woollen manufactures of Ireland, and the king promised compliance; in the following year the Irish parliament levied a duty on the export of their own woollens, which amounted to a total prohibition. The manufacture was of course ruined.

ples of justice were violated. The Irish parliament made no objection to this injustice, and thus showed that it comprehended its mission of dependence.

Such was the oppression which weighed down all Ireland, and was equally supported by Catholics and Protestants.

Let us now see how the Protestants of Ireland were indemnified for the oppression which they endured from England, by being enabled to tyrannise over the Catholics in their turn. The means employed by the Irish Protestants, assisted by England, to crush the Irish Catholics during the sixteenth and seventeenth centuries, were the persecuting statutes called "the Penal Laws," enacted by the parliament of Ireland, and enforced by the army of England.

Violent persecution ceased—pacific persecution came in its stead, adopting all the forms of justice, and covering its most oppressive acts with the semblance of regularity; believing itself just because it was legal, and humane because it shed little blood; but which, nevertheless, was the more iniquitous of the two, because it was more designed —the more odious, because it killed in cold blood, and would not excuse itself by heat of combat or violence of passion.

CHAPTER II.

THE PENAL LAWS.

To comprehend the tyranny of the penal laws, we must not lose sight of the starting-point. There is no power that oppresses for the mere sake of oppression, or at least which does not cloak its oppression under some cause or pretext. Hence so much iniquity is committed in the name of justice—so much tyranny in the name of the law—so much impiety in the name of God. The primary cause of English oppression in Ireland during the eighteenth century—a real cause with some, a mere pretence with others—was religious proselytism. It was deemed necessary to destroy Catholicism in Ireland, and make the country Protestant. The sanguinary violence employed to attain this end had failed; men got tired of Irish rebellions and their suppression—another influence was tried, that of the penal laws. Let us see how the English governors advanced in this way, and follow them through their whole course of experiments.

The national religion of Ireland must be destroyed! Observe, that to tear from a people its religion and its creed, is a fearful enterprise. In truth, it was designed to accomplish this without

driving the Irish people to revolt; but what is the difference between persecution by the sword and persecution by the law? The tyranny is still the same, and it is the most depraving of all persecutions, for it strikes the most deeply into the soul.

It is designed to persecute without driving to revolt—to practise oppression without provoking resistance; but this is a difficult problem. How can it be solved? In truth, a law existed from the very commencement of the Reformation, which absolutely interdicted the exercise of the Catholic worship;* this law had not been abolished, but its application was suspended.

Another law of the same epoch ordered all Catholics, under certain penalties, to attend Protestant places of worship;† this law was allowed to stand, but it had long ceased to be enforced.

Thus the Irish Catholic, who had proved that no violence, however cruel, could lead him to forsake his religious faith, was nominally allowed his church and priest, and might be led to suppose that he would not be deprived of either.

But at the same time that the practice of the

* 6 Edward VI., six months' imprisonment for the first offence, a year for the second, imprisonment for life the third.

† 1558. Eliz. ch. ii. sect. 14., a penalty of twenty pounds per month for non-attendance at church; banishment from the kingdom in case of refusal.

Catholic worship, and the presence of the Catholic priest, were, at least, tacitly tolerated in Ireland, a law was passed commanding "all popish regular clergy, jesuits, friars, and bishops, or others, exercising ecclesiastical jurisdiction, to depart the kingdom before May 1st, 1698, or be committed to gaol until transported."* This was to declare, in other words, that the Catholic religion should cease with the generation of priests actually existing.

Return from exile was declared high treason.† Irishmen who harboured them, or concealed them, were liable to a penalty of twenty pounds for the first offence, forty pounds for the second, forfeiture of lands and goods during life, for the third.‡ At the same time the law provided rewards for the discovery of popish prelates, priests, and teachers, according to the following scale.

For discovering an archbishop, bishop, vicar-general, or other person exercising any foreign ecclesiastical jurisdiction - - - -	£50 0 0
For discovering each regular clergyman, and each secular clergyman not registered. - -	20 0 0
For discovering each popish schoolmaster or usher	10 0 0

* Will. III. ch. i. (See collection of Irish Statutes for this and the other laws subsequently quoted.)

† 2 Anne, ch. iii.

‡ The act of 1709 prohibits a papist from teaching even as an assistant to a Protestant master.—*Tr.*

The twenty-first clause of the same act, (that of 1709,) empowers any two justices to summon before them any papist over eighteen years of age, and interrogate him when and where he last heard mass said, and the names of the persons present, and likewise touching the residence of any popish priest or schoolmaster; and if he refuses to give testimony, subjects him to a fine of twenty pounds, or imprisonment for twelve months. At the same time, the entrance of foreign ecclesiastics into the kingdom was strictly prohibited.

The Catholic clergy was thus reduced to the proportions strictly necessary for the exercise of a temporary worship, and was destined to be gradually extinguished in the midst of a population whose religious belief, it was supposed, would vanish at the same time.

But was even this limited practice of the Catholic worship free? No: the exercise of their religion was provisionally allowed the Catholics only to avert insurrection, but it was subjected to every possible restraint, short of actual prohibition.

Priests were only permitted to remain in Ireland on three conditions; first, that they should take the oath of abjuration;* secondly, to register

* This was purely a political oath, directed against the claims of the House of Stuart; it is still administered in Trinity College, Dublin, to every candidate for a degree. The other conditions form part of the statute of 1709.—*Tr.*

their names at the court of quarter sessions, and give two sureties in fifty pounds each, that they would not go out of the county; and thirdly, that they would officiate only in the parish for which they were registered. Thus the religious ministers of the Catholic population were treated as malefactors, obliged to find security for their good behaviour, and to remain in a fixed residence, where they would always be within the reach of the public authorities.

The law then explains how the right granted to each priest of officiating in his parish must be understood. No external sign was allowed to indicate the spot where the Catholic rites were celebrated. No steeple should catch the eye of the believer, no bell should sound his summons to prayer. The priest might remain in his parish, but he was refused his ecclesiastical title, and his professional dress. He could not celebrate the rites for the burial of the dead at the grave of any of his flock. Every infraction of these prohibitions incurred the penalty of transportation.* Such was the mysterious and clandestine

* These exceptions occur in an act of toleration, (21 and 22 George III. ch. 24,) one section of which is headed, "No benefit hereby to extend to any ecclesiastic officiating in church or chapel with steeple or bell; or at funeral in church or churchyard, or exercising the rites, or wearing the habit, save in usual places of worship, or in private houses, or using marks of ecclesiastical

form under which the law endured rather than permitted the practice of the Catholic faith.

Doubtless, the legislators supposed that the Irish priest, thus placed in a state of legal suspicion, subjected to rules whose violation entailed terrible penalties, would often bewail his lot, and fail in courage to support it; they counted on the weakness of the priest, and opened a way of escape. If he only would turn Protestant, the law ceased to be severe, and even became generous. The state offered an annuity of twenty pounds for apostasy,* and when this prize appeared inefficient, it was raised to thirty pounds,† and even to forty-eight pounds at a later period.‡

At the same time that the law deprived the Catholic ritual of all its external pomps, it pro-

dignity or authority, or taking ecclesiastical rank or title." The modern custom at Roman Catholic funerals in Ireland is merely to recite the psalm "*De profundis*" and nothing more, though, in the recent controversies about allowing Roman Catholic priests to perform the rites of burial in churchyards, it was said that these places would be polluted "by superstitious and idolatrous practices." A penitential psalm is clearly neither the one nor the other. The dread of popery injuring the dead reminds one of the old jest, "They have buried a child who died of small-pox next to mine, who never was vaccinated, and never had the disease."—*Tr.*

* 2 Anne, ch. vii. sect. 2. † 8 Anne, ch. iii. sect. 18.

‡ 11 and 12 Geo. III. ch. 27.

hibited everything which in the religious customs of Ireland addressed itself to the heart or the imagination. It was an old custom in Ireland to undertake a pilgrimage at certain seasons to some holy isle, some sacred well, blessed by St. Patrick, some particular crucifix, or image of the Virgin. The images were destroyed, the crosses thrown down; the pilgrimages forbidden under pain of whipping.*

Ireland possessed the liberty strictly necessary for remaining Catholic, and yet suffered incessantly for its attachment to that faith; its religion was not taken away, but the profession of it entailed a thousand grievances, and this was what the law desired. The law willed that the Irish should suffer incessantly for keeping their ancient religion, and not adopting the new creed; and this suffering was felt not only in religious, but still more severely in civil and political life. In fact, the penal laws struck the citizen more

* "Pilgrimages and meetings at wells deemed riots: magistrates to destroy all crosses, pictures, &c., publicly set up, and occasioning such superstitions." (2 Anne, ch. vi. sect. 26 and 37.) The hostility of the Irish Protestants to the emblem of the cross is utterly incomprehensible to Englishmen; it is not allowed as an ornament inside or outside their churches, and few of them, without ocular demonstration, would believe that the symbol they so detest is erected on almost every church in England.—*Tr.*

heavily than the Catholic, because the blows directed against the former, though they affected his dearest interests, irritated the passions, whose effervescence was dreaded, much less than an attack on the second. Here was demonstrated in its true aspect the legal system of corruption substituted in the government of Ireland, for the brutal violence which had been hitherto predominant. Here was the system described with equal force and truth by Edmund Burke: "It was a system of wise and elaborate contrivance, as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man."*

This system attacked the infant in its cradle. Conversion being the great object, every Catholic school was prohibited. It is true that Protestant instruction was not imposed on the Catholics; but no other was permitted in the country, and the father of a family had to choose between the apostasy or the ignorance of his children. If he became a renegade, a convert was gained to the reformed worship; if he remained faithful to his creed, the child of a Papist was placed in a state of intellectual inferiority to Protestants.

* Burke's Letter to Sir H. Langrishe, p. 87.

But how could such a law be enforced? All Catholic schoolmasters were banished from Ireland, under penalty of death in case of return.* The law pushed its foresight and care still further, making a provision of five pounds sterling for the transportation of every Catholic schoolmaster, teacher, or usher, to the West Indies.†

Under the influence of such prudential measures, it is easy to see that the immense bulk of the people must have been consigned to profound darkness. It was foreseen that the richer Catholics might send their children to be educated on the continent; provision was made for this difficulty, and sending children beyond sea, without special license, was prohibited under the gravest penalties:‡ and as this prohibition might be secretly infringed, power was given to the magis-

* "Schoolmasters and other Papists liable to transportation shall in three months, by order at assizes, be transmitted to the next seaport town, and remain in gaol till transported." 8 Anne, ch. iii. sect. 41.

† "Collector to pay five pounds for each Popish schoolmaster, teacher, or usher, transported to the West Indies. The money to be received by master or freighter of ships. If schoolmaster, teacher, &c., found out of such master's or merchant's custody, to suffer as regular returning." 8 Anne, ch. iii. sect. 32 and 33.

‡ "Sending, or suffering to be sent, children beyond sea without special license, liable to penalties of præmunire." 2 Anne, ch. vi.

trates to demand the production of the child on mere suspicion, and if not produced, its parents or guardians were liable to the penalties for removing it beyond sea.*

Assuredly it would be difficult to find a more minute law of persecution; the child of every faithful Catholic was doomed to grow up in ignorance.

Let us follow the Catholic in every phase of civil life. All roads of honourable ambition were shut against him. He was ineligible to parliament;† he was deprived of the elective franchise;‡ he could hold no commission in the army or navy, and no office under the crown.§ He was excluded from every liberal profession save that of medicine: nothing was left him but the industrial professions, and here new obstacles were placed in his path.¶ The sixth clause of the act

* "Judges, or two justices, may on reasonable suspicion convene the parent, guardian, &c., and require production of the child in two months; if not produced, nor cause assigned for further time, to be deemed educated abroad." 2 Anne, ch. vi. sect. 2.

† "No person to be a member of the House of Lords or Commons without first taking oaths of allegiance and supremacy." 3 Will. and Mary.

‡ 2 Anne, ch. vi. sect. 24.

§ See the celebrated Test Act, 2 Anne, ch. vi. sect. 16.

¶ "Every barrister, attorney, or solicitor, before application to

of 1703 (2 Anne, chap. vi.) renders Papists incapable of purchasing any manors, tenements, hereditaments, or any rents or profits arising out of the same, or holding any lease for lives, or other lease whatever for any term exceeding thirty-one years. And with respect even to such limited leases, which must have been considered short when the greater part of the land in Ireland was absolutely waste, it is further enacted, that if a Papist should hold a farm producing a profit greater than one third of the amount of the rent, his right to such should immediately cease and pass over entirely to the first Protestant who should discover the rate of profit. Restricted within such limits, the agricultural industry of the Catholics presented nothing formidable to the Protestant party; but it is clear that it could have little interest for the Catholic.

Let us now examine the condition of the Irish Catholic in relation to trade and commerce. Without doubt, he might (with a few trifling exceptions*) adopt any industrial or commercial

be admitted, must take the oaths, 2 Anne, ch. vi., and subscribe the declaration against Popery." 1 George II. ch. xx.

* The exceptions refer merely to the possession of arms or ammunition. "No Papist to be employed as fowler, or keep fire-arms for Protestants." 10 William III. ch. viii. sect. 4.

pursuit he pleased; but, in order to exercise it, he must be dependent on a corporation naturally hostile to him as a privileged body, and his religious enemy as a Protestant body.* Though the corporation did not actually prohibit his enterprise, it placed him in the most disadvantageous position possible. Catholics were excluded from corporations, and subject to the tolls from which Protestant freemen were exempt. One employment only was open freely to the Irish Catholic—that of a labourer or journeyman; but even here the poor Irish Catholic was subject to a tyranny. The law compelled him to labour, and subjected him to an arbitrary fine if he refused to work on any holiday not recognised in the Protestant ritual.† Thus a double violence was done—first, to the man, who has always a right to give or refuse his labour; secondly, to the Catholic, whose

"No Papist shall keep for sale or otherwise, warlike stores, blades, gun-barrels, &c., under penalty of twenty pounds fine, or a year's imprisonment." 13 George II. ch. vi. sect. 13.

* In some corporations, freemen alone were permitted to carry on any business; in all, the goods of the non-freemen were subject to heavy tolls. Almost every corporation in Ireland became a rotten borough, and excluded from its privileges Catholics and Protestants alike.—*Tr.*

† "Holidays in the year, limited to thirty-three, (besides Sunday,) enumerated, and refusing to work on other days punished." 7 William III. ch. 14.

conscience forbade him to work. The legislator still feared that commercial and manufacturing industry might afford the Catholic too speedy means of elevation, and in order to limit further the industry already so trammelled, a law was passed that no Catholic should take more than two apprentices.*

Even if a Catholic was enriched by his industry, he could not make that use of his gains which reason, necessity, or inclination suggested; he could not purchase an estate, or hold a mortgage. He was even prevented from displaying luxuries offensive to the Protestants above whom he was raised by fortune. To prevent this peril, Catholics were prohibited from possessing horses of higher value than five pounds sterling, and the law authorised any Protestant to seize even the best horse from a Catholic, on the payment of that sum; furthermore, penalties were inflicted on the Catholic who concealed his horse.† One exception was made, which reason showed to be necessary. Protestants would not allow Catholics to possess showy horses, whose possession

* "Papists not to keep above two apprentices, nor under seven years." 7 Will. III. ch. 14.

† "Authorising Protestants to seize the horses of Papists above the value of five pounds sterling. Penalties on Papists for concealing horses." 7 Will. III. ch. v. sect. 10 and 11.

implied a superior condition; but in order to keep up a good breed of horses, they were permitted to retain even the best horses under the age of five years.* The Catholic was permitted to rear horses in which he could not have final property, just as he was allowed to farm the lands he was forbidden to acquire.

But the Catholic was not even certain of retaining the wealth acquired by his industry. There is no security for property but in law, and in Ireland the Catholic was placed beyond the protection of law.† The legislators and electors being Protestants, it is not surprising that laws were frequently passed which placed the property of Catholics in peril. Was the country agitated, and was it necessary to embody the militia?—the law pointed out a simple expedient; it declares that all the horses of Catholics might be seized without any reference to their value,‡ and the militia thus drawn out must be paid by contributions levied on Catholics.§

* "Papists may, notwithstanding, 7 Will. III. ch. v., keep stud mares and stallions, or their breed, under five years of age." 8 Anne, ch. iii. sect. 34, 35, and 36.

† It was solemnly declared by the Irish judges, that the law did not recognise the existence of a Papist in Ireland.—*Tr.*

‡ "Horses of Papists seizable for militia." 2 Geo. I. ch. ix. sect. 4—18.

§ "Twenty shillings per day for refreshment of each troop of militia while drawn out, leviable by presentment on Papists of the county." 6 Geo. I. ch. iii. sect. 4.

And finally, the law declared that all public robberies should be indemnified by taxes levied on Catholics, as also the losses which Protestant merchants suffered from privateers when the country was at war with a Catholic potentate.* Thus Catholic property was incessantly charged with the most iniquitous and arbitrary taxes. It was taxed for the necessities of the state by a Protestant parliament; for the necessities of the county by a Protestant grand jury, for the necessities of the parish by a Protestant vestry, and for the necessities of the town by a Protestant Corporation. What security could Catholic property have, when thus exposed and thus menaced?

Even those few Catholics whose estates had been spared, were denied the protection of the rules of inheritance which preserved properties in Catholic families. By the tenth clause of the Act of 1703, the estate of a Papist not having a Protestant heir is ordered to be gavelled, or divided in equal shares amongst his children.† Thus there was, on the one hand, an obstacle to the acquisition of wealth by a Catholic family; and, on the other hand, the certainty that it would be lost in a given time.

The interests of riches, property, and industry,

* "Presentment on Popish inhabitants of the county to reimburse robberies, losses by privateers," &c. 9 Geo. II. ch. vi.

† 2 Anne, ch. vi. sect. 10.

having been swept away along with political interests, nothing remained but private life and the domestic circle. Even this simple life, exempt from ambition and accidents, was rendered bitter to the Irish Catholic. When he went to select a partner for life, he was not always free to choose according to the dictates of his heart. Such a power seemed to the Irish legislator open to great inconvenience. A Catholic was not allowed to take a Protestant wife.* This law, which contradicts the first law of nature, was enforced by the most terrible sanctions. The penalty of death was denounced against any priest who married a Protestant and a Catholic; and, to remove all hope of escape, his knowledge of the religion of the parties was presumed unless he could prove his ignorance:† a strange law, which released the prosecutor from the care of proving the crime, and threw upon the accused the charge of proving his innocence.

Let us suppose the Catholic to have chosen a wife of his own persuasion; his children grow; he is poor, but he has rich friends; but if they be Protestants, they cannot give him, during life, or bequeath to him after death, any portion of their pro-

* "Penalties to prevent Protestants marrying with Papists." 9 Will. III. ch. iii.

† "Priest marrying Protestants, presumed knowingly, unless minister's certificate that they were not." 8 Anne, ch. iii. sect. 26.

perties.* Even in the hour of death, the unhappy Irish Catholic was assailed with fresh peril and terrible disgrace. He could not entrust his wife or his friend with the guardianship of his children;† his choice would be null, and the wardship would lapse to the chancellor of Ireland, who had the privilege of naming Protestant guardians to Catholic minors.‡ This last stroke of penal law was directed against a principle rendered sacred by every consideration, human and divine. As a temptation to apostasy, a child that turned Protestant became at once independent of his Catholic parents; a suitable maintenance was assigned him out of his father's property by the chancellor of Ireland,§ and if he were an eldest son, the father became a mere tenant for life, and was not only deprived of the power of disinheriting his son, but of encumbering that property with por-

* "Papist to take no benefit by descent, devise, gift, remainder, or trust of lands, whereof any Protestant, seised in fee or tail." 2 Anne, ch. vi. sect. 7.

† "No Papist to be guardian. Penalty on any Papist taking guardianship, £500." 2 Anne, ch. vi. sect. 4.

‡ "Chancery may dispose custody of Popish minors to near Protestant relations, and if not fit, to other Protestants." 2 Anne, ch. vi. sect. 4.

§ "On bill in Chancery by Protestant child against Popish parent, suitable maintenance ordered," 2 Anne, ch. vi. sect. 3.

tions for younger children.* This was a fearful law, incessantly suspended like a sword over the head of the father of a family, who every day trembled lest he should hear some fatal seduction, and who, while bestowing his last blessing on his children, had reason to dread the face of an apostate.

A persecuting code had been instituted, which held the people of Ireland in debasement and misery, without driving them to revolt. Still there was reason to dread a Catholic attempt at insurrection, and, to prevent the danger, all the Catholics were deprived of their arms.†

Such were the legal rigours to which the Catholics of Ireland were subject for more than a century.

Special Character of the Penal Laws.

The more this collection of laws is studied, the

* "From enrolment in Chancery of bishop's certificate of eldest son's conformity, Popish parent made tenant for life-reversion in fee to the son, maintenance and portions of children, (Protestant or Papist,) not exceeding one-third." 2 Anne, ch. vi. sect. 3.

† "Papists, notwithstanding any license heretofore, shall deliver up arms to magistrates." 7 Will. III. ch. v.

"Refusing to deliver on demand or search, and also to declare what arms, &c., they or any with their privity have, &c., fine and imprisonment, or pillory, or whipping, at court's discretion." 15 and 16 Geo. III. ch. xxi. sect. 17.

more clearly we see that the constant design of the legislator was to attack the Catholics by a double interest; one interest acting to withdraw them from Catholicism, the other to lead them to Protestantism. Persecution is always double-edged—it employs fear and hope, menaces and promises. If terror fails, bribes may succeed.

The peculiarity of these persecuting laws was, that, though political in their consequences, they always contained a principle exclusively religious. Thus it was only because the Irish were Catholics that they were excluded from parliament, the corporations, the elective franchise, and public employments. If they ceased to be Catholics, and abjured their religion, the exclusion ceased. The law did not directly say, "Irish Catholics shall be excluded from parliament;" it expressed itself thus—

"And be it further enacted, that no person shall vote or sit in the House of Lords or House of Commons of Ireland, who shall not first have taken the oaths of allegiance and supremacy, and subscribed a declaration against transubstantiation, the sacrifice of the mass, the idolatry of the church of Rome, the invocation of the Virgin Mary and the saints," &c.

The greater part of the political laws are conceived in the same terms; the same spirit predo-

minates in the civil laws; the Catholic excluded from property, incapable of purchasing lands, or inheriting by succession, gift, or devise, became on his conversion immediately capable of acquiring property and estate.

We see that these laws were constructed so as to strike obliquely; their blows were indirect, and therefore the more dangerous and treacherous; they did not say, we forbid the Catholics to practise their worship; but they banished the priest, without whom the worship could not be performed. They did not say, no Catholic shall enjoy the benefits of instruction and education, but they inflicted a severe punishment on every Catholic who exercised the profession of a teacher.

Furthermore, if we only look at the surface, we find them apparently full of solicitude for the education of the Catholics. Schools were founded for the education of poor Catholics; * but these schools were Protestant, and Catholics did not want a Protestant education for their children.

It follows that the Catholics were deprived of religious worship and moral instruction, though no law forbade them to worship God according to their

* The charter-schools, founded in 1747. These schools were infamously managed, and became perfect nuisances. After many and repeated complaints, their state was investigated by a royal commission, and the parliamentary grants, by which they were chiefly supported, were withdrawn.—*Tr.*

conscience, and schools were provided for their education.

There is no real difference between direct and indirect persecution; but the first, more open and frank, has fewer chances of being endured, because it is comprehended by all; the second, not being avowed, escapes the numerous multitudes in every country, who only see what is pointed out to them, and comprehend what is told.

Another special Character of the Penal Laws.

We have seen how all these laws were linked together, and formed a complete whole: still it would be a mistake to regard them as a rational system, all at the same time conceived, deliberated, and decreed. No; these laws came piece by piece, one after the other, without order, method, or visible connexion. Some openly sin against logic, such as that of 1692, which excluded Catholics from parliament, and left them the elective franchise; that is to say, disputed the ends, and left the means. This anomaly lasted until 1727, when the Catholics were deprived of their right of voting at elections.

Moreover, the law which established uniformity on one point, presented in itself a remarkable dis-

similarity to all the rest. Thus, preceding laws excluded Catholics from parliament and public employments; they even recognised all sorts of rights, provided they gave any sign of conformity to Protestantism: in this last law, on the contrary, the exclusion is direct and straightforward; the last law declares in express terms, "No Papist shall be permitted to exercise the elective franchise." In the first case, the exercise of civil rights was subjected to a condition morally impossible; in the second, a direct and absolute prohibition was enacted against the Catholics.

Were I asked the cause of these different forms in laws which so constantly and uniformly tended to a common end, I should say that this irrational form belongs to the English character, which always proceeds by precedents instead of principles, by facts instead of theories; and that the logic at bottom belongs to the passions by which the legislators were then animated. I do not know if in the annals of English legislation there could be found a series of acts presenting so much harmony of spirit, and at the same time united together by no apparent chain. The English or the Anglo-Irish legislator, whilst persecuting the Catholics, did not proclaim the principle of persecution, because he never recognised it in any way; he did not organise the general system on rules solemnly

established, because this is not his mode of action. But he was animated by an ardent hate of the Catholics, the more solid as it was supported by his interests; indefatigable in advising, because it was always heard with favour; unequal in its movements, but always operating; and this hatred, which reigned despotically over the legislator's soul, did not cease during sixty years to inspire all his actions.

In the operations of a long passion, there is always an instructive logic, which can with difficulty be traced in the more regular combinations of reason and genius.

Legal Persecution was not restrained by the limits of Law.

It would be a great error to believe that the persecutions of which the Catholics were the objects, were limited to those prescribed or authorised by the law.

It might be supposed that the Catholic, in virtue of these laws, banished from political society, driven from the civil professions, deprived even of family rights, would have suffered enough from legal exclusion, without any idea being formed of searching beyond the law for means to aggravate his lot. It might naturally be supposed that, sub-

ject to so many interdictions, he should have full and free enjoyment of the small number of rights of which he was not deprived. These rights were to enjoy with security the little which belonged to him, to be protected in person and property, to have free access to courts of justice, whether as plaintiff or defendant, to find an equitable tribunal, an independent judge, and an impartial jury.

Still, a little reflection will show that the Irish Catholic was too severely crushed by persecuting laws, to breathe freely the small portion of air allowed him by law. Where tyrannical laws failed, public opinion carried on the oppression.

In 1771, the Lord Lieutenant of Ireland was on the point of pardoning a Catholic unjustly condemned; but seeing to what unpopularity this act of mercy, or rather justice, would lead, "I see," said he, "that his death is resolved; let him die;" and the warrant for his execution was issued.*

How could the Protestants, daily executing iniquitous laws against Catholics, adhere strictly to legal injustice, and not pass the bounds against those whom they persecuted for conscience sake, and who were too enfeebled and troubled by legalised oppression to resist usurped tyranny?

It may be stated with certainty, that every political constitution which bestows extraordinary

* Plowden, vol. i. page 414.

power on the governing body, does not give analogous means of resistance to the governed; it organises a tyranny which exceeds its legal bounds in a proportion that it is impossible to estimate.

The following example of the tyranny practised on the Irish peasantry by their superiors, is given by the author of "An Inquiry into the Causes of Popular Discontents in Ireland." (London, 1804.)

"It has not been unusual in Ireland," he says, "for great landed proprietors to have regular prisons in their houses for the summary punishment of the lower orders. Indictments preferred against gentlemen for similar exercise of power beyond law are always thrown out by the grand juries. To horsewhip or beat a servant or labourer is a frequent mode of correction."

In 1718, a comedy, called the Non-juror, was represented at the Theatre Royal, Dublin, and the prologue contains the four following lines:—

> To-night ye Whigs and Tories both be safe,
> Nor hope at one another's cost to laugh;
> We mean to souse old Satan and the Pope,
> They've no relations here, nor friends, we hope.*

No law forbade the pleasures of the theatre to an Irishman, but it was a right of which he could

* Miscellaneous Tracts, Irish Office, vol. xxix. This is by no means a solitary instance; even in plays which had no conceivable relation to politics or popery, songs were frequently introduced, ridiculing the religion of the Irish people.—*Tr.*

not take advantage, without seeing himself and his country held up to ridicule.

To leave some rights to those deprived of their essential rights is a worthless semblance of indulgence; the defect of the one renders the other void: power is too strong by what it has already taken, not to render illusory what it has left when it pleases.

All the relations of men with each other are not written in the law; those of sympathy are not susceptible of rule. Can we be surprised if the Protestant proprietor was a severe and merciless master to his Catholic tenants? When he maltreated them, who was to check his excesses? When he demanded more than was due, who was to restrain his exactions?

In order to form a correct estimate of the condition of the Irish Catholics, we must take into account not only the penalties inflicted by the judge, but all the injuries to which the feeble are subject, when brought into contact with the arbitrary power of the strong. Let those who doubt that such has been the state of affairs in Ireland, read what Arthur Young has said; he travelled through Ireland in 1778, and, though an Englishman and a Protestant, he judged the country with an impartiality far from common among his compatriots.

"The landlord of an Irish estate," says he, "inhabitated by Roman Catholics, is a sort of despot who yields obedience, in whatever concerns the poor, to no law but that of his will . . . . .

"A landlord in Ireland can scarcely invent an order which a servant, labourer, or cottar, dares to refuse to execute. Nothing satisfies him but unlimited submission. Disrespect, or anything tending towards sauciness, he may punish with his cane or his horsewhip with the most perfect security. A poor man would have his bones broken, if he offered to lift his hand in his own defence. Knocking down is spoken of in the country in a manner that makes an Englishman stare. Landlords of consequence have assured me, that many of their cottars would think themselves honoured by having their wives and daughters sent for to the bed of their master—a mark of slavery which proves the oppression under which such people must live. Nay, I have heard of anecdotes of the lives of people being made free with, without any apprehension of the justice of a jury. But let it not be imagined that this is common; formerly it happened every day, but law gains ground. It must strike the most careless traveller to see whole strings of cars whipt into a ditch by a gentleman's footman, to make way for his carriage; if they are overturned or broken in pieces, no matter—it is

taken in patience; were they to complain, they would perhaps be horsewhipped. The execution of the laws lies very much in the hands of the justices of the peace, many of whom are drawn from the most illiberal class in the kingdom. If a poor man lodges his complaint against a gentlemau, or any animal that chooses to call itself a gentleman, and the justice issues out a summons for his appearance, it is a fixed affront, and he will infallibly be *called out.* Where *manners* are in conspiracy against *law*, to whom are the oppressed people to have recourse? It is a fact, that a poor man, having a contest with a gentleman, must—but I am talking nonsense—they know their situation too well to think of it; they can have no defence but by means of protection from one gentleman against another, who probably protects his vassal as he would the sheep he intends to eat."*

In all the actions of oppression recorded by Young, there was not one legal, and yet not one, which was not a direct consequence of the laws.

Why Persecutions continued when Religious Passion ceased.

We have seen that the persecutions in Ireland,

* A. Young's Tour in Ireland, vol. ii. page 29.

were derived from two principal causes—religious passion and self-interest.

For a long time these influences were so intermingled and confounded, that it is impossible to distinguish the special action of each. When any violence was exercised against the Catholics, it cannot be determined whether it was prescribed by some general interest, or commanded by the secret voice of some private interest. When a Catholic priest appeared in Ireland with the ensigns of his order, the cry of *No Popery* was raised.

Was an independent voice raised to claim for Catholics the right of acquiring property in land?—the cry of *No Popery* was raised again. The two cries are the same, but do they proceed from the same cause?

From the middle of the eighteenth century, England could no longer fear Ireland as an ally of the Stuarts. In 1746, the young Pretender was overthrown at Culloden; and this circumstance might have proved that the Jacobite party was extinct in Ireland, where previously the Scotch insurrection of 1715 had not produced the slightest movement.

On the other side, Catholicism, by the aid of time, had reformed those principles which were most frequently and most justly the text of the attacks of which it was the object. The Catholic

church no longer insisted on obedience to the Pope in the sense formerly attached to the phrase; the most fervent Irish Papist did not look upon the Pope as his temporal sovereign, nor recognise his right to depose princes, or absolve subjects from their allegiance.

These new circumstances were sufficient to moderate Protestant passions; but they were further weakened by the utter barrenness of persecution. Many vain efforts were made before its impotence was discovered; but when, after sixty years of useless exertions, the persecutors had not advanced a step, the sad truth could not fail to be recognised. It might then be said, that the fire of religious passion, which had hitherto nourished persecution, was extinct; the passions disappeared from the scene, self-interest alone remained; it was a sad spectacle.

When the Irish Catholics, seeing that their creed was no longer assailed, attempted to claim civil liberty or political rights, passion, it is true, was silent, but mercenary interest raised the old cry of *No Popery*, and there were many in the multitude who were duped into believing the clamour conscientious.

In 1761, the poor peasants of the south, reduced to the lowest degree of misery by the insatiable cupidity of the landlords, revolted, and the House

of Commons voted that it was "a popish insurrection."*

From this time, Ireland was subject to a new tyranny, that of selfish interest, reigning apart from the passions which had hitherto shaded its naked deformity.

Which of the Penal Laws were executed, and which not.

There are people who deny the Protestant persecutions against Catholic Ireland, because their rigour was occasionally relaxed. It is certain that penal laws, as we have described them in their completeness, were never uniformly executed. There were some which never ceased to be enforced; such, for instance, as those which prohibited public functions and civil professions to the Catholics, and did not allow them the rights of property or trade, save on certain conditions: but the laws relating to religion were modified by circumstances; the Catholic worship was often tolerated without being prohibited; Protestants shut their eyes on religious ceremonies, feigned not to see priests, whose presence the law punished, nor chapels nor convents, which were presumed not to exist.

* Plowden, vol. i. p. 355, 416. In a very admirable treatise on Irish disturbances, by G. C. Lewis, Esq., the glaring falsehood of this assertion is decisively exposed. See pages 6—12.—*Tr.*

Sometimes the laws against the Catholic worship slumbered so long, that the Irish might have imagined that they had fallen into desuetude. Still the mistake could not be durable. Some political event, imprudence of the Jacobite party in England, a Scotch insurrection in favour of the pretender, intelligence of a French or Spanish invasion, sufficed to revive persecution; the Catholic worship was prohibited with greater severity, chapels were closed, priests banished, monasteries proscribed, and convents demolished.

Still it is a very remarkable fact, that in a country where persecutions had a religious principle and aim, the only persecution that abated was that against worship; the religious object of the persecutions was dropped out of sight, but the physical advantages which the Protestants derived from them did not cease to be present and vividly felt.

In general, the persecution against worship, the war upon Catholicism itself, was made at the suggestion of England; that which attached to the persons and properties of the Catholics, was the spontaneous work of the Protestants settled in Ireland. The former resulted from passion, the latter from interest.

The instinct of the Irish Protestant was only to take from the penal laws the enactments which

assured him the monopoly of social and political advantages; but from time to time the English government commanded the literal execution of all the laws against all Papists; such was the injunction sent from England after the Scotch rebellion of 1715; and again in 1731, Ireland saw the zeal for persecuting the Catholic faith revived, when, after a solemn discussion in the English House of Lords, it was resolved—"That the insolence of the Papists in the kingdom was great."*

From this time England left the Protestants of Ireland to themselves, and then the Catholics were more attacked in their social life than in their religion.

Arthur Young justly says, "These laws seem directed against the property rather than the religion of the Catholics. According to law, a priest should be hanged or transported for saying mass, but he is allowed to do so with perfect impunity; but if the same priest made a fortune by his masses, he would at once become an object of persecution."

* See Parliamentary History. From an abstract of a Report of a Committee of the Irish House of Commons, (A.D. 1731,) it appears that in the entire kingdom of Ireland there were, besides huts, sheds, and movable altars, eight hundred and ninety-two mass-houses, fifty-four private chapels, nine nunneries, and five hundred and forty-nine popish schools.—*Tr.*

There are some who look with great indulgence on the persecutions exercised against the Irish Catholic, on account of their frequent relaxations. I have never been influenced by such a consideration. Though persecution was suspended, it could always be renewed. Now the legal power of inflicting a penalty is in fact a penalty to the person menaced. I pity the man who believes himself free because he is not imprisoned, when a law exists which permits his imprisonment. In such a case, there is not a slave who has not his hours of liberty; nevertheless, when his hands and feet are loosed to allow him repose, he does not cease to be in a state of bondage.

Far from admitting that the suspension of bad laws allows some happiness to the people, I say, on the contrary, that bad laws are never so pernicious as when they are dormant. There is no tyranny worse than that which moderates itself to become supportable. A government erected for oppression, and which does not oppress, is a deceiver and a liar; and it is to be reproached with the additional vice of hypocrisy. If the penal laws against the Catholic worship had been so faithfully executed as those of which spoliation was the object, they would have driven the Irish to revolt, who, in vindicating their religion, would have reconquered their

other rights. But it is one of the most dangerous acts of tyranny, to choose among its instruments those which plunder without wounding.

It must never be forgotten, that a fact, however grave, is far less important than a right, for a fact has no to-morrow. He who is indifferent to the right, because he is in possession of the fact, resembles some domestic animal which believes itself free when set loose, and exhibits stupid astonishment when the owner comes to replace the chain.

When, under the empire of just laws, I find myself loaded with chains, I feel my liberty protected by the very act which deprives me of it; for the law which casts me into prison, fixes the day when I shall come out, and punishes any who would illegally detain my person. But what is a liberty which I enjoy, only because it does not please a tyrant to take it away? The man who goes to sleep, trusting his freedom to the faith of another man, deserves to awake a slave.

THE WHITEBOYS.

Religious persecution was so tempered as to render it endurable; in this respect the authors of the penal laws attained their objects; but social oppression, of which these laws contained the source, became too heavy to be endured in silence; and

one day the Irish population, weary of the burthen, made an effort to throw it off.

The revolt was not general—it was not founded on a plan common to all the sufferers; it consisted of partial, successive movements, without relation or connexion—it was absolutely devoid of intelligence, such as might be expected from a population kept in profound ignorance.

The revolt displayed itself in acts of the most atrocious and revolting barbarity—it was such as should be expected from a people systematically demoralised by misery, and degraded by slavery.

The first insurrection of the Whiteboys, or Levellers, began in 1760; they received their first name from wearing their shirts over their dress as a kind of uniform, and their second from levelling the hedges erected round new enclosures.* The Whiteboys were driven to revolt by an infinity of causes, of which the most prominent were, the exorbitant rents demanded by the landlords, and the exactions of the agents (tithe proctors) employed by the Protestant clergy to raise tithes from the Catholics.†

* Many of these enclosures were illegal; commons were seized without the consent of the commoners, and wastes seized by neighbouring proprietors without a shadow of right. Such things were occasionally done in the early part of the present century.—*Tr.*

† I am far from being convinced by Mr. Lewis's arguments, that

Arthur Young gives the following description of the outrages usually committed by the Whiteboys:—

"It was a common practice with them to go in parties about the country, swearing many to be true to them, and forcing them to join by menaces, which they very often carried into execution. At last they set up to be general redressers of grievances, punished all obnoxious persons, and having taken the administration of justice into their own hands, were not very exact in the distribution of it; forced masters to release their apprentices, carried off the daughters of rich farmers, ravished them into marriages, of which four instances happened in a fortnight. They levied sums of money on the middling and lower farmers, in order to support their cause, by paying attornies, &c., in defending

whiteboyism was wholly unconnected with the cause of the pretender; it was, perhaps, not so in its origin, but assuredly efforts were made to render the popular discontent subservient to the restoration of the Stuarts. I find in my collection of popular Irish ballads, several mystical songs written about 1770, in praise of the young pretender. One of these, "The Royal Blackbird," is still a great favourite with the peasantry of Munster, though it is rare to find any who sing it aware of its signification. The French also had agents to enlist soldiers for the Irish brigade, and many of these alimented the disturbances in order to obtain recruits. The simple truth appears to be, that the revolt was caused by the rapacity of landlords and tithe-proctors, but that the enemies of England naturally took advantage of it to forward their own purposes.—*Tr.*

prosecutions against them; and many of them subsisted for some years without work, supported by these contributions. Sometimes they committed several considerable robberies, breaking into houses, and taking the money under pretence of redressing grievances. In the course of these outrages, they burnt several houses, and destroyed the whole substance of men obnoxious to them. The barbarities they committed were shocking. One of their usual punishments (and by no means the most severe) was taking people out of their beds, carrying them naked in winter on horseback for some distance, and burying them up to their chin in a hole filled with briers, not forgetting to cut off one of their ears."*

Certainly no complete association could exist among rude and uncultivated men, for nothing separates men more than ignorance; nevertheless the

* Young's Travels, vol. i. p. 82. In the debate on the Whiteboy Act in 1786, Lord Luttrell related the following anecdote, which there is reason to believe was but too true:—

"A friend of mine, a few days since, after riding through Urlingford early in the morning, overtook, beyond that town, a person, who proved to be a clergyman, riding seemingly in pain, with his head muffled to a monstrous size, and bound over with a napkin. My friend addressed him, being a very compassionate man, and inquired what was the matter. 'Ah! Sir,' said he, 'did you see, as you rode through that town, two ears and a cheek nailed to a post?' I did, said my friend. 'They were mine,' the clergyman replied."—*Tr.*

Whiteboys attempted to establish a permanent association throughout Ireland, founded on a certain number of common sentiments and necessities.

This confederation, which has served as a model for all the associations of the same kind subsequently formed under other names,* was marked from the beginning by two essential characteristics.

First, all the members were compelled to keep the secrets of the association, under pain of death.

Secondly, (and this is the principal trait,) every member of the society engaged to do all that the society should command;† a formidable engagement, placing him who contracts it at the mercy of another's caprice, deprives him of his free will, subjects him to laws of which he is ignorant, and whose execution he has blindly sworn to accomplish at all hazards, even at the expense of crime.

When the Whiteboys were excited by the secret

* The Rightboys in 1785; Peep-of-day Boys in 1772; Steelboys and Oakboys in 1764; Thrashers in 1806; Carders, Caravats, Shanavests, Rockites, &c., down to the present day.

† In the county of Leitrim, in 1806, the Thrasher's oath is stated to have been,—"To keep secret; to attend when called upon; to observe the Thrasher's laws; not to pay tithes but to the rector, and to pay only certain fees to their own clergy." For the county of Longford it is given in similar terms, viz.—"To be true to Captain Thrasher's laws; to attend when called upon; not to prosecute Captain Thrasher or any of his men, and to meet them the following night."—*Trials of the Thrashers*, pp. 257 and 303.—*Tr.*

bonds of a fearful oath and of mutual obedience; they proceeded to act by terror.

They proclaim their code, and announce its sanctions. Woe to him who is guilty of any forbidden act! Woe to him who resists their pleasure! The command is usually given in a printed or written notice, which is either sent to the individual, or posted on his door, or some conspicuous place in the neighbourhood.*

If a proprietor demands an extravagant rent from his tenants, he finds some morning a notice to the following effect, posted on his door:—

"County of Kildare, } Take notice, That we will
to wit. } no longer bear the oppression of paying *double rent* to farmers for land, and the gentlemen so favourable to the poor. Therefore all farmers will be obliged to return their under-tenants to the head landlord, at the same rates an acre for which they hold the land themselves. And we trust the gentlemen will not allow them any longer to tyrannise over the poor of this impoverished nation. Any farmer demanding rent from his under-tenants, or any under-tenants paying rent

* When a boy, I unwittingly tore down a Rockite notice posted on a gate; several peasants seized me, but finding that I had no design in taking the placard beyond the gratification of curiosity, they let me go, warning me not to commit so perilous an act for the future.—*Tr.*

to the farmer, either party so *violating this notice* shall be used with the utmost severity imaginable, and *We* their cause forsake in every measure.

"So I remain your most humble servant,

"A son to that poor old woman called

"*Terry's Mother.*"*

If his labourers are employed at too low a rate of wages, the Whiteboy society issues a decree establishing a minimum.

"TAKE NOTICE,

"From this day forward, that no man will be allowed to work in any boat without having regular wages, 10*s.* per week. Any person or persons daring to violate this notice, will be visited by night by those people under the denomination of Whitefeet, or Terry Alts. Any man putting us to the necessity of paying him a visit will be sorry: therefore any man who has not the above wages, let him not attempt to leave Athy.

"I remain your humble servant,

"*Terry Alt.*"†

* H. C., 1832, Appendix, p. 9. This notice was in print, and was posted in different parts of the county Kildare.

† This and the following notices are taken from various reports of Committees of the House of Commons. I have seen some in very tolerable rhyme. They were generally written by the hedge schoolmaster, who was usually Rockite secretary to a district. The establishment of national schools has been of great service to Ireland, by removing this very dangerous class of men.—*Tr.*

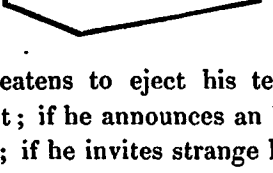
It is worthy of note, that here the menace is addressed to the labourer who works for low wages, and not to the master who employs him.

In the same way, when they wish to prevent the payment of Tithes, notices of the following description are posted.

"Remarke the concequence Thomas Wardren dant pay the tithe far if you do you may prepare your coffin you may be assured that you will loose your life either at hame or abraad.

"Captain Rock.

"No Tithes
"No Tithes
"No Tithes."



If a landlord threatens to eject his tenant for non-payment of rent; if he announces an intention of raising his rents; if he invites strange labourers into the country;* in all these cases he encounters

* The following threatening letter, addressed to a person in the barony of Gallen, county of Mayo, (which contains a different expression of the same feeling,) is cited from a Mayo newspaper in the *Times* of 11th December, 1835:—

"NOTICE.

"Take notice Mr. John Waters of Stripe that unless you give up your transgressing and violating and attempting persecuting poor objects or poor miserable tenants remark that the country is not destitute of friends or otherwise if you do not give over your

the penalties of the Whiteboy code, and receives notice of the menaced chastisement.

The intimidation produced by such proceedings is extreme; and when menaces fail, vengeance follows close behind. The following are the punishments usually inflicted by the Whiteboys for the violation of their ordinances.

First, death. Second, corporeal inflictions, such as severe beating, mutilation, tearing the body with briers, thorny bushes, or wool-cards; abduction of young girls with small fortunes,* who are forced to marry their ravishers. Destruction of property.

The usual modes of destroying property are, the burning of houses and haggards, the houghing of cattle. In some cases, the ears and tails of horses, and the teats of cows, are cut off; sheep are likewise shorn and mangled in a barbarous manner, not for the sake of the wool, but in order to

foolishness or ignorance *you will be made an example in the country that never was beheld*

Here is to our foe of Stripe

Mr. John Waters of Stripe Esq & I would be sorry to be in your clothes.

CAPTAIN ROCK ESQ

Tr.

* This is not a common Whiteboy outrage; it was more frequently perpetrated by the underlings of the aristocracy, called in Ireland *Squireens* or *Buckeens—Tr.*

spoil the sheep. Windows are likewise often broken, and other property in and about houses damaged or burnt. A short and easy mode of arriving at a desired end is the *turning up of grass land*, sometimes practised by the Whiteboys. By these means, the farmers are compelled to let their ground for setting potatoes, without the long and troublesome process of notices, burnings, beatings, and murders. This method was practised to a great extent by the Terry Alts in the last disturbances in Limerick and Clare; bodies of several hundred or even several thousand men with spades used to assemble, sometimes in the daytime, and turn up a meadow in a few hours.

Barbarous as is this penal code, its execution is conducted with considerable regularity. The Whiteboy association points out the members who are to inflict the required punishment, and the members obey. The Whiteboy is often ordered to go forty or fifty miles to kill an obnoxious individual, and he yields implicit obedience to his instructions. Men who would shudder at the idea of being assassins, do not hesitate to become executioners.*

* The utter disregard for human life shown on these occasions is most fearfully illustrated at Irish assizes. At the trial of Lacy

The vengeance of the Whiteboys being accomplished, universal terror prevails, which generally prevents what they wish to hinder, and obtains what they desire.

Still this is the time when regular society, whose

for the murder of the Maras, who were sacrificed to Whiteboy vengeance, because their brother had given evidence against a Whiteboy on a former occasion; the principal witnesses for the prosecution were two approvers, Fitzgerald and Ryan. It appeared that the assassins had watched the Maras for ten days before a convenient opportunity for the murder was found. I took down at the time the following portion of Ryan's cross-examination respecting his employment on one of those days.

"Well, Ned Ryan, where were you on the Wednesday?"—"I went to Ballingany, sir."

"And what did you want at Ballingany, Ned?"—"Och, then, nothing that has anything to say to this business, at all at all."

"But I must know what it was, Ned?"—"Well, then, I wanted to rob arms and shoot a man."

"To shoot a man! Gracious Heaven! Who was he?"—"Faix, I don't know."

"What was his name?"—"Why, then, I heard tell his name, but I forget it."

"And what had the man done to you?"—"He never done nothing to me, only Paddy Lacy axed me for to go and help him."

"Did you shoot the man?"—"No; he wasn't at home."

"Would you have shot him if he was at home?"—"To be sure we would, after all the trouble he giv'd us."

"He was a lucky fellow to escape you?"—"Faix, then, you may say that."

While listening to this display of unmitigated ferocity, I could scarcely believe the testimony of my own ears.—*Tr.*

institutions they openly attack, appears armed against them with all its powers and attempts to enforce obedience of the laws.

But here the Whiteboys find in their association singular resources to combat justice and society; nowhere does their power appear more formidable than in resistance to the magistrates; for if they have a severe penal code to enforce their own laws, they have one still more severe to combat the laws by which they are menaced themselves.

The first article of this second code may be stated in these words: "Whoever will give evidence against a Whiteboy will be punished with death."*

Scarcely has a judicial pursuit commenced against a Whiteboy, when the whole association is set in motion to prevent the due course of law. The most dreadful menaces against witnesses are posted up; the victims of Whiteboy violence are forbidden to complain, under pain of new tortures; and nothing is so difficult as to collect the elements of conviction for a Whiteboy crime.

It often happens that a witness who has had the impudence to give information to a magistrate, is

* The menace is extended to all the relatives and friends of the informer. It appeared on the trial of the murderers of the Maras, that vengeance was extended not only to the brother of a witness, but even to that brother's apprentice.—*Tr.*

murdered before he can be produced to give his evidence in court.

"So great indeed," says Mr. Lewis, "is the danger to which witnesses for the crown are exposed in Ireland, and so great the probability of their being murdered, if not put in a place of safety, that it has been found necessary to provide, by a special enactment, that the depositions of murdered persons may be read in evidence."*

In such a state of things, the magistrates have recourse to extraordinary means to procure the elements of conviction against the guilty. Pay-

* The 50 George III. ch. cii. sect. 55, having recited that "whereas it has happened that persons who have given information against persons accused of crimes in Ireland have been murdered before the trial of persons accused, in order to prevent their giving evidence, and to effect the acquittal of the accused," proceeds to enact, that "if any person who shall give information on oath against any person for any offence against the laws shall, before the trial of such person, be murdered, or violently put to death, or so maimed or forcibly carried away and secreted, as not to be able to give evidence on the trial of such person, the information so taken on oath shall be admitted in all courts of justice in Ireland as evidence on the trial of such person." This provision was extended to grand juries by 56 George III. ch. lxxxvii. sect. 3. The former act likewise contains a clause enabling grand juries in Ireland to present such a sum as they shall think just and reasonable to be paid to the personal representative of any witness who shall be murdered before trial, or to himself if maimed. Sect. 6. Lewis's Irish Disturbances, p. 269.—*Tr.*

ment is offered for information ;* after the deposition of a witness is taken, he is lodged in a place of security, generally the gaol, where he remains until the day of trial. When the trial is concluded, the witness is protected by a guard of police until he can be removed from the county. Every individual who has figured as a witness in such a case has no choice between death and exile.†

* It could not be obtained otherwise, but the hope of blood-money has sometimes led to the accusation of innocent persons. —*Tr.*

† Exile is not always sufficient protection. An attempt to kill an informer among the Irish at Wigan, although his offence had no Whiteboy complexion, is mentioned by Mr. Lord, a magistrate of the borough, in his evidence taken for the Irish Poor Commission.

"A young Irishman, about October last, gave information to the magistrates that two Irishmen who had recently come here, and followed the trade of selling oysters, had committed a rape and robbery in Ireland, and had fled from justice. They were apprehended and detained more than a week ; but, in consequence of a delay in receiving an answer from Ireland, they were liberated ; the day they were liberated, the warrant came from Ireland for their apprehension. Several attempts were made by the Irish to murder the young man who gave this information, and his brother ; the attempts were made openly by several persons, and he was once struck on the head so severely that he was nearly killed. I believe they have both since left the town." Lewis's Irish Disturbances, p. 267. I have heard of similar hatred shown to informers who had emigrated to America.—*Tr.*

Some writers have attributed Whiteboy insurrections and associations to political causes; they were first excited, according to these authorities, by the intrigues of France and the pretender. It is now generally recognised that the cause of these insurrections was social, not political; the insurrection was directed against the landlord and the rich, not against the Protestant: it was misery, not the spirit of party, that armed the Whiteboy.

Ireland had no share in the rebellion of 1745; the first Whiteboy movements began in 1761. It would be strange if the Irish, who made no effort when the pretender had some chance of success, should have risen in his favour twenty years afterwards, when his cause was utterly hopeless and forgotten. This error has been propagated by those best acquainted with the truth: the men who had produced and profited by the misery of Ireland, seeing the outrages which their oppression had generated, endeavoured to assign another source to those crimes, and, by ascribing them to the spirit of party, to enlist on their side all the opposite political prejudices. They attained their end without much trouble, as most of the insurgents were Catholics, and those against whom they revolted Protestants; they said, and it was believed, that the insurrection was excited by religious fanaticism; people would not see that in a country where all

the rich were of the reformed religion, and all the poor Catholics, that a revolt of the poor against the rich must necessarily have been an insurrection of Catholics against Protestants.

' Doubtless, political passions hostile to the government might be found amongst the Whiteboys, as well as enmity against the rich; but the former were not predominant; they were mingled with the sentiments of hate which drove the peasants to revolt; but they were not the moving power of their conspiracies. There are, moreover, two undeniable facts which show very clearly how far political passions were strangers to these agrarian insurrections.

The first is, that when the Catholic clergy levied severe dues on the peasants, the Whiteboys resisted them, and adopted measures against their own priests—measures of repression not less severe than those directed against the ministers of the Anglican church;* and on their side, the priests excommunicated those who joined Whiteboy associations. The second is, that the outrages were directed against landlords and persons who took land without distinction, and that the greater part of the latter

* Captain Rock's tariff always contained a clause regulating "the priest's dues," that is, the fees to be paid for christening, marriage, &c.—*Tr.*

were Catholics.* Finally, there is a third fact not less grave than the preceding; the same insurrections raised by the Catholic peasants of the south appeared soon after, from similar causes, among the Protestant peasants of the north, who, in 1764, under the name of Oakboys, took up arms against the Pressure of rent and tithes; and others, in 1772, rose as Steelboys, because the Marquis of Donegal, a large proprietor, had ejected numbers of his tenants. Assuredly the northern Presbyterians would not take arms in favour of the pretender. They were still far from the time when they would make common cause with the Papists.

"All the insurgents of the south," says Lord Charlemont, "were Catholics; it was generally believed by Protestants that the gold and intrigues of France were at the bottom of all these rebellions; but they were not the real causes, which are very easy of detection. The causes manifest to all eyes, were misery, oppression, famine!"†

The Whiteboy insurrections are not directed against the government, but against the landlords. "They are," says Mr. Justice Jebb, "a war of the

* The truth is, that in all these agrarian insurrections, more Catholics were murdered than Protestants. Religious rancour, no doubt, mingles with these disturbances; but I doubt on which side the greater share of it would be found.—*Tr.*

† Hardy's Life of Lord Charlemont, vol. i. p. 173.

peasantry against the proprietors and occupiers of land." If any further proof were wanting to show that such has ever been their character, it would be sufficient to consider their character at the present day. They have been constantly reproduced, under various denominations, from 1716 to the present day, and have always originated in the excessive misery of the people, and the starting point of this misery is the persecution which arose from the penal laws.*

FOURTH EPOCH,

From 1776 *to* 1829.

REVIVAL AND ENFRANCHISEMENT OF IRELAND.

For nearly a hundred years Catholic Ireland was as if it had not existed. The Protestants established in Ireland, a feeble and almost imperceptible

* It is of importance to show that M. de Beaumont's views of the causes of Whiteboy insurrection are the same as those of the most enlightened partisans of Protestant ascendency in Ireland.

"In the particular regions of disturbance," says Mr. Baron Foster, "I consider that religious animosities are and always have been less frequent than in other parts of Ireland. The great theatres of those differences are the northern counties of Ireland,

tible minority, presented themselves to England as the Irish nation, and under this title regulated everything foreign and domestic. They said that they were Ireland, and ended by believing it. They

in which the Insurrection Act has never been applied. Those religious animosities, however much to be regretted, have never led to insurrectionary movements; they have led to quarrels and personal outrages, but never to an attempt against the government." H. L., 1825, p. 72.

Similar testimony was given by Mr. Justice Day.

"Have the actual disturbances in Ireland originated in religious differences, or in what other causes?"—"The recent disturbances in Ireland have not had anything to do with religion."

"In what causes did they originate, in your opinion?"—"The poverty of the people, which exposes them to the seduction of every felonious or turbulent leader; the want of employment; the absence and non-residence of landlords, who might superintend, control, and advise; the want of education, which leaves them in a semi-barbarous state, and incapable of judging for themselves. These are some of the various and combining causes which may be enumerated. The severe and unconscionable rents, too often exacted from the peasantry, ought not to be forgotten."—H. L., p. 552.

The same account is given by the Rev. Mortimer O'Sullivan:—

"Were there no instances of the hostility of the people creating those disturbances being directed against Catholics as well as Protestants?"—"Yes, numerous instances; I believe I stated, that I conceived the disturbances to have commenced in the struggles of poverty; of course it was a war against property principally, and the religious spirit was a thing that mingled in it, but was not the mainspring."—H. C., 1825, p. 464.

proclaimed their tyrannical power legitimate, and probably thought it was so. Sufficiently strong to divide amongst themselves in the presence of a humbled enemy, they ended by forgetting this enemy was in possession of a terrible power, that of numbers; when they saw their foe asleep, they forgot that he might wake again; full of confidence in themselves, they lost sight of their enemy, and acted as if he had not been amongst them; they thought no more about him; but constituting their own society independent of his wants, habits, and all his interests, they regarded this as the only existing, the only real, and the only possible society; all that did not belong to this society was nothing in their eyes—all outside its circle seemed contemptible and unworthy of attention.

There is a capital fault, and there is serious danger, in such a position; for whilst this minority, in its selfish confidence, shuts its eyes to everything around, and turns entirely to itself, storms which it does not perceive are forming in the distance; the oppressed majority devises plans of freedom, has its dreams of freedom, raises itself slowly from its degradation; it labours, it grows rich, it acquires strength, resumes its courage, takes up the abandoned arms, and prepares for the combat. The dominant faction perceives none of the preparations made by a people it is accustomed to de-

spise. Its form of Protestant administration is complete; it has docile agents and a devoted legisture; not a hostile voice is raised against it; it has all the illusions of a good government, and thus, by a mild and easy navigation, it arrives in the midst of a sea full of quicksands, and rife with shipwreck.

When a subjugated people secretly nourishes projects of independence, and contains the germs of regeneration, it may long remain inert and mute; but often, also, nothing is wanting to rouse it from silence and slumber but an extraordinary event, a fortuitous accident. This favourable event—this lucky accident, was not wanting to Ireland.

CHAPTER I.

1776.

EFFECTS OF AMERICAN INDEPENDENCE ON IRELAND.

I do not know whether there is any single political event in the history of the world, which has produced so great an influence on the history of all nations as the struggle sustained by the

United States of America at the close of the eighteenth century.

The American revolution was the first great revolution effected in the light of the press, and reflected in the discussions of a free representative government. Observe what an impulse this revolution gave to the debates of the English parliament! It appeared that until then parliamentary liberty of speech was mute, or at least that liberty spoke without being heard at a distance; the press alone has given it loudness of voice. Without it the thirteen colonies of England might have separated from the mother country, but without it the world would have known nothing further of the matter than that they were rebels chastised by their master.

The minor events mingled with the war of independence have a trifling appearance. "It was," said Lafayette, "a war of patrols," in which the destinies of the world were decided. If you inquire why small events are really so great,—why this war of skirmishes should decide the fate of nations, you can find no other reason than the principle on which the war was grounded. That principle was just and legal resistance against tyranny and oppression. It was the idea, not the fact, that troubled the world. Attila passed over nations like a hurricane over the ocean. The tempest

passed by—it was cursed and forgotten. But a petty people revolted; scarcely had blood flowed, though at the distance of two thousand leagues from us, when, though we had nothing to fear from the agitation, we were profoundly affected by it; the fact was the smallest possible, but the principle was immense.

The great impression of the American crisis on nations arose from the circumstance of a just cause having never before been so clearly stated; it is not that the cause should be just, it is further requisite that its equity should be apparent. The Americans did not revolt against England, simply because it is better that a nation should be free than dependent; their cause thus presented would have been open to dispute, for there was a contract existing between the parent state and the colonies. But according to the very contract which linked them to England, the colonies could only be taxed through their representatives. Still England wished to tax and constrain them by violence; resistance was their right; they fought, triumphed, shook off the yoke; and the whole world applauded the triumph of right over might. A movement of independence was made amongst all nations. As tyranny was everywhere, efforts for freedom were made everywhere. These great epochs of simultaneous effervescence, and a common struggle for

rights, are rare; nations should employ them to conquer security; for when once they are passed, general apathy succeeds to universal agitation.

Nowhere was the effect of the American revolution more potent than in Ireland. There was an analogy in the situation of the two countries. The colonies of North America were indeed far more prosperous than Ireland; though they were merely colonies, and treated as such, they had the good fortune to be distant from England. Ireland, which was not a colony, for it had never been occupied under that title,—nor a part of England, for it had never been governed by English laws,—nor a free people, for England made laws to govern it,—Ireland, I say, had one point in common with the United States, that it contended against England for its rights: it demanded liberty to escape from poverty and wretchedness, whilst the American colonies, rich and prosperous, wished only that their dependence should not be increased.

These analogies seized on all minds in England and Ireland. In the English parliament, there was not a discussion on America which did not direct attention towards Ireland. See, said the Whig orators in the English parliament, see the effects of the unjust pretensions of governments towards their subjects; fear to engage in an iniquitous contest with Ireland when the state of

your colonies forewarns you of the result. "England," cried an enemy* of Irish liberty, in 1774, "has as good a right to tax Ireland as the colonies." "Yes," replied an opposition member, "and the colonies are in revolt precisely because you have taxed them." It may well be conceived what an effect was produced in Ireland by those great parliamentary discussions, where in marvellous encounter met the greatest and most extraordinary oratorical powers that England has ever produced—Burke, Pitt, Fox, Sheridan,—splendid talents, noble souls, bright geniuses, in whom the love of glory was intimately blended with the love of country!

Ireland was inflamed by these discussions; in 1776 America was free; Ireland resolved to be so likewise. The declaration of American independence was likewise the great instrument of Irish independence.† America taught Ireland that a dependent people might become free, and taught England that it is perilous to refuse liberty to those who can take it.

The impulse given to England and Ireland by

* Rigby, Master of the Rolls, whom the pen of Junius has consigned to immortal shame.

† "A voice from America shouted liberty," was Flood's fine description of the time. See Hardy's Life of Charlemont, vol. p. 387.

American emancipation had consequences which it is necessary to demonstrate. The first and most important, without doubt, was the abolition of some of the penal laws enacted against the Catholics of Ireland; the first stone taken from the edifice of persecution, and the first step of reform. Let us see in what it consisted.

SECT. I.—*First Reform of the Penal Laws*, 1778.

1. Catholics were granted the right of holding land on leases of a hundred and ninety-nine years.* They thus obtained the right of unlimited possession without the right of property. One reason for this limitation was, that conceding this limitation might give the Catholics too much influence at elections.

2. The son of a Catholic turning Protestant had no longer a right to seize on his father's property, or make him only tenant for life in his estate.*

3. The law requiring Catholic property to be gavelled was repealed, and the rules for Catholic and Protestant inheritance became the same.*

Such a reform was doubtless incomplete, and persecution remained armed with sufficient vigours to strike severely those whom it at-

* 17 and 18 George III., chap. xlix.

tacked. But the first wound was given to the tyrannical code, and we shall soon see it fall asunder piece by piece. An impulse was given to reform; henceforth no great event could be without its fruit. As the events arise, we shall point out their consequences, and immediately connect the effects with the causes. Just as there was no rationality in the establishment of the penal code, we shall find a want of order and logic in the acts by which it was repealed. The reform seemed to be made by chance or accident, according to the circumstances and necessities of the moment. The legislature abolished as it created the penal code, without plan or method.

SECT. II.—*Second Effect of American Independence on Ireland*, (1778 *to* 1779.) *The Irish Volunteers.*

The war between England and her colonies not only exercised a moral influence on Ireland, but produced results in that country which may almost be called physical.

On account of America, England was at war with France, Spain, and Holland, as well as the United States; it was necessary to withdraw a part of the English army from Ireland to send it to America.

The Irish coasts were daily menaced with hostile invasion; Ireland demanded aid, but was told to defend herself the best way she could.* England at the moment was stunned by the number of embarrassments pressing on her from a distance and close at hand.

These embarrassments of England added to the strength of Ireland, already encouraged by her success in having obtained the first concession. Besides this movement, Ireland was greatly irritated at being refused the commercial and maritime liberties which she claimed. Associations were formed to refuse the use of English manufactures,† in order that the English, who resisted the commercial advantages of Ireland, should be deprived of them themselves.

In this state of things, the viceroy declared that in consequence of the failure of the public revenue, the laws for raising a militia could not be executed.‡ Immediately, by a universal and spontaneous

* The people of Belfast, alarmed at their unprotected state, petitioned the government for a garrison, and received as an answer, that half a troop of dismounted cavalry, and half a company of invalids, constituted all the force that could be spared.—*Tr.*

† One of these associations had the humorous motto, "Burn everything that is imported from England except coals."

‡ His Majesty's ministers were obliged not only to pay the Irish troops on service abroad from the British exchequer, but also to remit fifty thousand pounds to Ireland to complete the sum necessary for the payment of the few troops who had been left in that kingdom."

movement, Ireland was covered with a volunteer militia, self-armed, self-regimented, self-organised, which elected its own chiefs, and formed its own rules of discipline, without the government taking any share, direct or indirect, either in its formation or superintendence. The commercial association was transformed into a military association.

The government appears to have acted imprudently in allowing the formation and organisation of these "independent companies;" but how could it have opposed them? Doubtless it had the rigorous right, but it had not the inclination; it was, above all things, necessary to avert an invasion, which was imminent, and to conjure away this peril, which was a peril of death.

It is very unfortunate for tyrannical governments to have sometimes imperious need of the people; when once this recourse has taken place, the delusion is dissipated: the people discovers that it is strong, and the tyrant weak. It cannot defend the government without learning the art of defending itself against the government.

The English government felt the necessity of throwing itself into the arms of Ireland, and entrusting the country with the care of its own preservation. The viceroy distributed sixteen thousand swords and muskets to the volunteers. An imposing force was soon on foot; forty thousand

men organised themselves in the twinkling of an eye at their own expense, and without any other impulse than national feeling. Ireland was, without doubt, saved for the moment from hostile invasion, but from that day she also learned the secret of her strength against England.

These armed bodies, having no other discipline than that which they imposed on themselves, and refusing all royal regulations, proclaimed themselves sovereign, in so far as they refused to derive their rights as armed citizens from any power but their own.

They then discussed affairs of state, and regarded themselves as the true representatives of the nation; they formed a kind of military parliament, and Ireland no longer presented a petition to England, save at the point of the bayonet. They asked why the rights of the citizens should be limited to bearing arms, and why they should not have the right of debating on public affairs. They assembled on fixed days; each corps named representatives; assemblies elected by the majority of citizens passed resolutions, approved or blamed the conduct of the government, recommended such and such measures, censured severely the acts of parliament which appeared injurious to the country. In truth, the parliamentary power was in the popular masses, and the masses were armed. A memo-

rable circumstance prevented the disorders with which such a state of things was rife; it was that the rich, the landlords, the chief men of the country in commerce, amongst the citizens and amongst the nobility, were at the head of the volunteer battalions; they at first entered them from the feeling of nationality which pervaded Ireland on the menace of a foreign invasion; and afterwards, when the volunteer companies organised themselves into political deliberative assemblies, these noblemen and gentlemen remained at their posts from prudential motives. They saw the march of events with terror; they comprehended all the peril of a deliberative army, but they knew how much more dangerous it would become if the chiefs withdrew from the direction.

The volunteers taught England that there was such a thing as formidable Ireland, with which she would have to reckon. Composed for the most part of Protestants, they taught England and Ireland itself, that with most of the Protestants the prejudices against the Catholics were weakened; since the delegates from one hundred and forty-three of these companies, who met at Dungannon, on the 15th of February 1782, to demand in the name of their armed constituencies free trade and an independent parliament, adopted also the following resolutions:—

"Resolved, (with two dissenting voices only, to

this and the following resolution,) that we hold the right of private judgment in matters of religion to be equally sacred in others as ourselves.

"Resolved, therefore, that as men and as Irishmen, as Christians and as Protestants, we rejoice in the relaxation of the penal law against our Roman Catholic fellow-subjects, and that we conceive the measure to be fraught with the happiest consequences to the union and prosperity of the inhabitants of Ireland."

It is from this day that the origin of the party of liberal Protestants in Ireland must be dated. Until then, Protestants had only been patriots so far as they wished that Ireland should not be subject to England; but these patriots, so impatient of the English yoke, were satisfied that the Catholics should endure theirs. But now they began to invoke liberty, not only for themselves but for their fellow-citizens.

It is true that they only claimed, with a timid voice, the cessation of the persecutions against the Catholics; but they demonstrated their injustice in demanding their cessation; and the population which groaned under the penal laws had henceforth auxiliaries in the ranks of its oppressors.

The volunteers, their acts, the impulse which gave public opinion in Ireland, and their moral effect on England, produced the independence of the Irish parliament.

SECT. III.—*Independence of the Irish Parliament.*

Poyning's Law, so called from the name of the viceroy during whose administration, in the time of Henry VII., it had been enacted, declared that no Irish parliament should be holden until "the causes and considerations" of its convocation, and the projects of laws to be discussed, had first been approved by the English government. This law, which rendered the Irish parliament absolutely dependent upon England, had never ceased to excite the complaints of Ireland. On the 19th of July 1782, the Irish parliament declared itself independent of the English parliament, and adopted the principle publicly deliberated by the volunteers, "That no power on earth, save the King, Lords, and Commons of Ireland, had the right to make laws binding on Ireland."

Amongst the crowd of parliamentary combatants, one great chief deserves to be distinguished—HENRY GRATTAN. It is rarely the privilege of an individual to bear so signal a part in a national movement, and to contribute so much to the success of an enterprise otherwise effected by general causes. It was in his living and powerful words that the Irish parliament sent this energetic address to the King.

"To assure his Majesty, that his subjects of Ireland are a free people. That the crown of Ireland is an imperial crown inseparably annexed to the crown of Great Britain, on which connexion the interests and happiness of both nations essentially depend: but that the kingdom of Ireland is a distinct kingdom, with a parliament of her own—the sole legislature thereof. That there is no body of men competent to make laws to bind this nation, except the King, Lords, and Commons of Ireland; nor any other parliament which hath any authority or power of any sort whatsoever in this country, save only the parliament of Ireland. To assure his Majesty, that we humbly conceive, that in this right the very essence of our liberties exists; a right which we, on the part of all the people of Ireland, do claim as their birthright, and which we cannot yield but with our lives."

This address, supported by an army of nearly a hundred thousand men, had full success with the Irish parliament, which expressly abolished the laws on which England founded its right of predominance and legislative supremacy over Ireland.*

* The following statement of the Volunteer force is too important a document to be omitted :—

Abstract of the effective men in the different volunteer corps, whose delegates met at Dungannon, and those who acceded to their resolutions, and to the requisitions of the House of Commons of Ireland, the 16th of April; 1782, (viz. "That there is no

SECT. IV.— *Legal Consequences of the Declaration of Irish Independence.*

We may consider the act by which the Irish parliament asserted its independence as an echo of

body of men competent to make laws to bind this nation, except the King, Lords, and Commons of Ireland, nor any other parliament which hath any authority or power of any sort whatsoever in this country, save only the parliament of Ireland.

"That in this right, the very essence of our liberties exists: a right which we, on the part of the people of Ireland, do claim as their birthright, and which we cannot yield but with our lives.")

COMMANDER-IN-CHIEF.

EARL OF CHARLEMONT.

GENERALS.

DUKE OF LEINSTER,	SIR JAMES TYNTE,
EARL OF TYRONE,	EARL OF CLANRICARDE,
EARL OF ALDBOROUGH,	EARL OF MUSKERRY,
LORD DE VESCI,	SIR WILLIAM PARSONS,
SIR B. DENNY,	HON. J. BUTLER,
RIGHT HON. GEORGE OGLE,	RIGHT HON. HENRY KING.

PROVINCE OF ULSTER.

Dungannon meeting, 153 corps	26,280
Twenty-one corps since acceded	3,938
Infantry since acceded, two battalions ...	1,250
Six corps of cavalry	200
Eight corps of artillery	420
Total	32,088
Ulster Corps which have acceded since the 1st of April.	
Thirty-five of infantry and one battalion	1,972
Two of cavalry	92
Total of Ulster	34,152

the declaration of independence by the American colonies. North America inspired the movement,

Artillery.	
Six pounders	16
Three pounders	10
Howitzers	6
Total pieces of artillery ...	32
PROVINCE OF CONNAUGHT.	
Ballinasloe meeting, fifty-nine corps ...	6,897
Thirty-nine corps of infantry who since acceded	5,781
Cavalry light corps	421
Artillery	250
	13,349
Acceded since 1st of April.	
Four corps of infantry and one of cavalry,	987
Total of Connaught	14,336
Artillery.	
Six pounders	10
Three pounders	10
Total pieces of artillery ..	20
PROVINCE OF MUNSTER.	
City and county of Cork	5,123
Sixty-eight corps of infantry in the province	7,987
Cavalry of the province, returned fifteen corps	710
Artillery, nine corps	221
Total	14,041
Acceded since 1st of April.	
Fifteen corps of infantry	3,921
Two corps of cavalry	94
Total of Munster	11,056

the association of the Irish Volunteers gave Ireland the strength necessary to execute it. It would,

Artillery.

Six pounders	14
Three pounders	14
Howitzers	4
Total pieces of artillery ...	34

PROVINCE OF LEINSTER.

One hundred and thirty-nine delegates met at Dublin, April 17th	11,983
Ten corps of cavalry who before acceded, and no delegates sent	580
Nineteen corps of infantry	4,398
Artillery, nine corps	322
Total of Leinster	22,283

Artillery.

Nine pounders	2
Six pounders	16
Three pounders	14
Howitzers	6
Total of artillery	38

Total Number.

Ulster	34,152
Munster	18,056
Connaught	14,336
Leinster	22,283
Total	88,827
Twenty-two corps also acceded, but made no returns, estimated at	12,000
Making in all, nearly a general grand total of	100,000

Artillery, one hundred and thirty pieces.

however, be a mistaken view of the relations between England and Ireland to compare it to that of the colonies with the metropolitan state. Nothing is more common than to institute such a comparison. Ireland appears for centuries governed by force alone, and hence some have supposed that force was the only bond which united the country to England. To adopt such a view, is to mistake completely the nature of the contract existing between Ireland and England.

There is no doubt that after the conquest, and for a long period subsequent, Ireland was at the mercy of England, and might, if she had pleased, inflict on that country a government purely despotic, founded simply on the right of force and conquest. But the question is, not to know if such a course was possible, but if it was really adopted. Now it is clear that such was not the line of conduct pursued towards Ireland. Scarcely had England subdued the country, when she bestowed upon it free institutions, especially recognising the right of Ireland to have a parliament of her own, and to pay no taxes but those which should be voted by her parliament. Scarcely was England mistress of Magna Charta, when she extended its principles to Ireland; a conquered country obtained possession of these rights, not because she constituted an independent state, but because the people on which

she depended had granted these franchises; she held her liberties from the very power which might have given chains if it had pleased.

Now, if we reflect on the circumstances which accompanied and followed the conquest, we shall see that this generosity of England was feudal. We have already seen under what circumstances and by what title the vassals and subjects of Henry II. established themselves in Ireland. These Anglo-Normans, for the most part noble by birth, preserved in Ireland all the privileges inherent to their rank; and the king no more thought of taking these away than the adventurers did of disputing with the king his quality of liege lord of Ireland.

After the conquest, therefore, it is important to regard England as not only engaged with the native Irish, and making them bow beneath the yoke of the conqueror; we must especially consider her in her relations with the conquerors that issued from her own bosom, all freemen, Anglo-Normans by race, in whose presence she stood, and whom she was obliged to treat like the inhabitants of every other province belonging to the crown. There were men in Ireland more or less degraded in the feudal scale, at the top of which the king was placed; but they were all, in the style of the period, free men, not conquered subjects.

In truth, for a long time the conquerors of Ire-

land did not occupy the entire country; for a long time the unsubjugated population of natives which surrounded *the pale* was treated by England as an enemy, and deprived of all the privileges granted by England to her children; and whilst this state of things endured, we may say that there were two Irelands in the country: one English, and conqueror, the other vanquished or rebellious;—the first sharing in the free institutions of England—the second, enduring all the servitude of conquest. But when the potent hand of Henry VIII. weighed upon the country, the two Irelands became one; those of English or Irish birth were equally subjects of the same empire; one and the same law existed for all—so that, from this time, the condition granted to the Anglo-Norman colonists became the common right of all Ireland. Henry VIII. was not very prodigal of rights and privileges; we cannot tell whether, in his plans of tyranny, he intended to raise the Irish to English liberty, or to depress his English subjects to the servitude of barbarous Ireland.

However that may be, the despot established a level in Ireland, and at a later period, the Englishman in this country could not invoke a single political right which did not equally belong to every Irishman. This principle of political liberty, due to the feudal character of the conquest, received a

singular development in the religious wars of the sixteenth century.

When Protestant England entered into a contest with Catholic Ireland, the question of race was lost in that of creed; there was no debate about reducing the sons of old Erin to the yoke, the point was to stifle the hydra of superstition and popery which had found refuge in Ireland; and this was the reason why England, fanaticised by Scotland, rushed on Ireland. The English settlers, who at this time invaded the Irish soil, seized it, not only to possess the land, but "to plant and nurture the tree of true religion."* Thus acted the Scotch settlers of James I., the fanatics of Cromwell, and the partisans of William III. Between 1615 and 1688, that is to say, in less than eighty years, Ireland was three times invaded under the pretext of religion, and the religious occupants remained there.

Thus, in the same way as England, in 1172, found herself in the presence of a feudal society

* This was the cant of the sixteenth century; its meaning is best developed in the following resolutions adopted by the puritans of Massachusetts, when about to seize on lands belonging to the Indians.

"Resolved, That the earth is the Lord's, and the fulness thereof.

"Resolved, That the Lord hath given the inheritance of the earth unto his saints.

"Resolved, That we are the saints."—*Tr.*

whose rights she would not refuse to recognise; so, during the agitations of the sixteenth century, Protestant England beheld a Protestant society arise in Ireland, whose rights she was neither able nor willing to restrain.

In these times of enthusiasm, with which sometimes a singular spirit of universal levelling was singularly mingled, it was impossible that the notion of placing the Protestants of Ireland in an inferior condition to the Protestants of England could have entered the minds of Englishmen; every privilege granted to Englishmen, exclusive of their Protestant brethren in Ireland, would have been then regarded as an act of impiety and odious injustice.

There were then, it is true, terrible conflicts between England and Ireland; there is no doubt that there were then conquerors and conquered, and that England was still victorious. But the vanquished were not Irish, they were Catholics, some of English race, others of Irish descent. A religious party was beaten down, not a nation conquered. During nearly two centuries, the majority of the inhabitants of Ireland enjoyed neither rights nor political privileges, but this majority was not oppressed as a people, but only as a sect.

The moment in which the Papists of Ireland endured the most terrible tyranny, was precisely that

in which England showed itself most liberal to the only Irish population which it then recognised, that is to say, the Protestants. Never did such a sympathy exist; as they had the same religious passion, they seemed also to have the same common interest; and Cromwell only gave expression to the existing public feelings when he did that which was not finally completed until after another century and a half, that is to say, *united* Ireland to England.*

It must be remarked, that this immense portion of the inhabitants of Ireland, which did not enjoy the privileges of the constitution, was not directly excluded by law; all Irishmen had alike the right of invoking its protection: their incapacity only arose from the repugnance of their consciences to an oath which the law made a condition of exercising nearly all rights, civil and political. Thus, on the day when Catholics and other dissenters obtained a dispensation from the oath, they had entered *ipso facto* on the enjoyment of all their privileges, the right to which they had never lost, though the exercise had been suspended; and thus they at once participated in the advantages of the free society which had not ceased to exist in Ireland.

* In Cromwell's plan of a parliament, (A. D. 1651,) Ireland was to be represented by thirty members.

From the preceding statement, we see how great is the mistake of those persons who believe that they can explain the respective situations of England and Ireland, by the nature of the relations which usually exist between a colony and the metropolitan country. Ireland has never been a colony but in name. The state of a colony implies a political and legislative dependence, a condition of inferiority to the parent state, which would not have been endured by the feudal Ireland of Henry II., nor the Protestant Ireland of Cromwell and William III.

Ireland is, besides, too near England to fulfil the conditions of an ordinary colony, which distance from the mother country protects in some sort, and which finds a certain independence in the very impossibility of the metropolitan country's governing it perpetually. No conquered country close to the conquering can remain in the intermediate position that a colony holds between political independence and entire subjection. Ireland, placed under the English sceptre, must necessarily have been treated as an equal or as an enemy, as free or enslaved; we have seen that it could not be placed in a state of servitude; it consequently received, theoretically at least, the privileges of liberty. There is no doubt that England fre-

quently outraged the liberties she had consecrated; she violated them every time she pleased, for though Ireland had a free government, England did not cease to be the stronger, and her interests frequently hurried her beyond her engagements and even her passions. It was thus that Henry VII., by Poyning's law, subjected Irish acts of parliament to a sort of preliminary censorship: and at a later period, when England wished to annihilate Irish industry and trade by a single blow, she went so far as to assert that the laws of the English parliament were binding on Ireland.

But even whilst submitting, Ireland protested against such an abuse of strength, and England herself formally recognised her excesses when she declared, by her parliament in 1782, "that the English parliament had never the right to make laws for Ireland, nor to interfere with the independence of the Irish parliament." Before England had recognised this principle, Ireland had herself proclaimed it; and it is worthy of remark, that in declaring herself free, Ireland acted not as a colony breaking its chains, but as a people asserting its rights. Far different from the American provinces, whose declaration of independence was a signal for war in England, never was Ireland more closely united to that country than on the day when her parliamentary independence was established,

for that independence was the first condition of the social compact; the United States broke that compact by their emancipation, to which Ireland remained faithful by becoming free. Burke well described the event of 1782, when he called it the 1688 of Ireland.*

SECT. V. 1782.—*Abolition of certain Penal Laws. Consequences of the Declaration of Parliamentary Independence.*

The movement of the volunteers, which produced the declaration of independence by the Irish parliament, had two very distinct effects—the one general, which interested all the inhabitants of Ireland, Catholic and Protestant; the other special to the Catholics.

In the first respect, the independence of the Irish parliament, though profitable to all, was especially an advantage to the Protestants, who, being in possession of all social advantages, were the more impatient to acquire a free government. Those who are dying of hunger do not look upon parliamentary independence as a means of getting bread; they are too wretched to envy political rights; their ambition leads them only to the immediate object of their wants, and they do not con-

* Plowden, vol. i. p. 521.

sider that political liberty is the best instrument for constructing social happiness.

Nevertheless, the Irish parliament, though exclusively Protestant, could not recover its independence without manifesting it by some acts favourable to the Catholics.

Thus, at the same date, (1782, by Act 21 and 22 George III., ch. xxiv.) the laws were abolished which hindered Catholics from acquiring, disposing, selling, purchasing, inheriting, and possessing property like Protestants. This was the completion of the law of 1778; it was the concession of the right of property without restriction; henceforth the Catholic was not a mere tenant on lease, but might be a proprietor like the Protestant.

The law was repealed that prohibited Catholics from possessing a horse of higher value than five pounds, and which permitted the horses of Catholics to be seized in time of war, or in case of invasion. Catholics were, therefore, free to possess any goods or chattels.

The law was repealed that inflicted punishment on a Catholic priest for performing any office according to the ritual of the Catholic church. The only penalty left was for officiating in a chapel with a bell and steeple.

The law was abolished which subjected to imprisonment every Papist who refused to denounce

a priest and his assistants for celebrating mass. It was a step to the full toleration of the Catholic worship; the Catholics could not, it is true, perform their worship with pomp and splendour, but still they could pray in silence, according to the forms of their religion. The penalties of imprisonment and transportation denounced against the Catholic priests were repealed.

Finally, the law was revoked which prohibited Catholics from being instructors of youth, and guardians to their own children, or those of others.*

This was the second act of Catholic emancipation; from this epoch also two changes date, which, though equally advantageous to Protestants and Catholics, ought to be considered especially useful to the latter; to wit, the law which secured their places during good behaviour, (*quamdiu se bene gesserunt*, and not *durante bene placeto*,) and a similar law of *habeas corpus* to that possessed by England. These laws were particularly favourable to the Catholics, for guarantees and tutelary laws are most needed by the poor and oppressed.

* The sacramental test, which excluded Presbyterians and Protestants from offices of trust under the crown, was also repealed in the session of 1782.—*Tr.*

SECT. VI. — *Continuation of the Volunteer Movement. Convention of* 1783.

It would not be reasonable to suppose that so powerful a body, representing the nation, having strong feelings of its rights, and a consciousness of its power, after having decreed resolutions, immediately transformed into laws by the parliaments of England and Ireland, should rest satisfied there.

After the independence of the Irish parliament had been proclaimed and recognised, another matter naturally presented itself—reform of the representation. This parliament was a delusive representation even of the Protestant population; under the influence of corruption, it voted anti-national laws, and popular laws when coerced by fear. It was vainly proclaimed free, for it was so only in name. And as its vices were derived from its very source, that is to say, the electoral system, a radical reform was necessary. Consequently, the National Convention of volunteers, assembled in 1783, proclaimed the necessity of parliamentary reform.*

The subject was brought before parliament at the very moment it was debated in this great assembly of the armed nation; so that Ireland might be said to have had two representative assemblies

* Nov. 29th, 1783.

at the same moment; one perfectly legal, but unpopular; the other irregular, but possessing the confidence of the people.

Nevertheless, the Irish parliament rejected the proposition of reform by a majority of one hundred and ninety-nine against seventy-seven. More was asked of this parliament than it could effect. In fact, to change the basis of election, would be to ensure that the great majority of its members would not be re-elected; it was asking bad citizens to commit patriotic suicide. The House of Commons also resolved, "that they would support the rights and privileges of parliament against all encroachments."

Perhaps the Irish parliament might have yielded from fear what it would not grant to justice and reason, if there had been any peril in rejecting parliamentary reform; but no such danger existed. The armed volunteers, who had so energetically demanded and obtained parliamentary independence, did not manifest similar zeal for parliamentary reform. Divisions began to creep in amongst them; many believed that when this independence was obtained, everything was accomplished; others, and they were very numerous, began to fear that the prolongation of these discussions, and the consequent reforms, might effect a perilous revolution in the condition of the Catho-

lics. Now, most of the volunteers were Protestants.

Observe that the political emancipation of the Catholics was discussed in parliament; it was debated whether they should be admitted to the elective franchise at the same time that the general questions of parliamentary reform were discussed. The two questions were thus linked, and were debated conjointly by the volunteers. These, disposed to alleviate the sufferings of the Catholics, but not to emancipate them, had resolved "that parliamentary reform was necessary, but that Catholics ought not to be admitted to the elective franchise." Still the two questions were confounded and discussed together in parliament; it may then be easily conceived why the Protestants should fear lest the triumph of the one which they desired might lead to the success of the other: and they had reason to do so, as it was a logical consequence. How could the principles of parliamentary representation, founded on property, be rationally discussed, if the rights of a number of proprietors were resisted on the mere ground of religion, and that too at a moment when the injustice of the penal laws had been fully recognised and proclaimed?

This explains the indifference with which the resolution of the Irish House of Commons rejecting parliamentary reform was received.

SECT. VII.—*Corruption of the Irish Parliament.*

Parliamentary reform was rejected, and yet the corruption of parliament was extreme. The Commons were composed of three hundred members; it would have been a difficult and troublesome task to bribe three hundred independent deputies; but of this number the greater part were mere creatures of the aristocracy; more than two hundred were members for rotten boroughs,* belonging either to peers or rich proprietors, who were also members of the House of Commons; so that it was only necessary to purchase a few in order to have nearly the entire; sometimes a single person could dispose of twenty boroughs, or forty votes.

There were two modes of purchasing members of the House of Commons, by places and pensions. The first was the *honourable* mode of sale; government had a multitude of places at its disposal. When there was not a sufficient number, new places

* Some were members for still more rotten corporations, the leaders of which combined to exclude the inhabitants of the towns, whether Protestant or Catholic, from the franchise, so as to enable themselves to sell the representation to some peer who trafficked in boroughs, receiving in return places in the customs or excise for themselves and their children.—*Tr.*

were created; when existing salaries were not sufficient for remuneration, they were augmented.* With regard to the petty offices of judicature and administration, unsuited to the dignity of national representatives, they were publicly sold, and the money thus raised was employed to purchase votes. When places were exhausted, pensions were given out of the Irish revenue;† the money thus employed was that of poor Ireland, who thus paid those that sold her while they sold themselves. Those pensions, which in 1756 were 44,000*l.*, rose in 1793 to 120,000*l.* Finally, when places and the fund for pensions were exhausted, the government took what it wanted from the treasury. A viceroy rarely quitted Ireland without leaving an arrear of 200,000*l.*, and sometimes 300,000*l.*

This corruption was practised with incredible openness. Grattan‡ challenged its denial in the

* M. de Beaumont deems that his account of the venality and profligacy of the Irish parliament will be scarcely credited; but every one acquainted with the history of the country must be aware that the systematic corruption both of the Irish Lords and Commons is understated. Everybody has heard the story of Mr. Hutchinson, founder of the Donoughmore family, whose vote, on a particular occasion, was purchased by giving *his daughter* a cornetcy of dragoons.—*Tr.*

† "Infamous pensions to infamous men."—*Grattan's Speeches*, vol. i. p. 23.

‡ Mr. Grattan, in the name of the little minority that opposed the destructive and disgraceful system pursued by the Irish ad-

midst of the corrupt parliament, and no voice dared to contradict it. Sometimes, after a strong opposition had been remarked in parliament, people were surprised to see it suddenly vanish; this happened in 1765, on the bill relating to the exportation of grain. But corruption was actually and openly avowed by the officers of the crown.* During the debate on giving the regency of Ireland to

ministration, used the following pointed and powerful words:—"We charge them publicly, in the face of the country, with making corrupt agreements for the sale of peerages; for doing which, we say they are impeachable. We charge them with corrupt agreements for the disposal of the money arising from the sale to purchase for the servants of the Castle seats in the assembly of the people; for doing which we say that they are impeachable. We charge them with committing these offences, not in one, nor in two, but in many instances; for which complication of offences we say that they are impeachable—guilty of a systematic endeavour to undermine the constitution, in violation of the laws of the land. We pledge ourselves to convict them; we dare them to go into an inquiry; we do not affect to treat them as any other than public malefactors; we speak to them in a style of the most mortifying and humiliating defiance. We pronounce them to be public criminals. Will they dare to deny the charge? I call upon and dare the ostensible member to rise in his place, and say, on his honour, that he does not believe such corrupt agreements have taken place. I wait for a specific answer."

Major Hobart, the Irish secretary, refused to give any reply, on the ground that an inquiry of the motives of raising persons to the peerage was trenching on the royal prerogative.

* "The threat was proceeded on, the peerage was sold, the caitiffs of corruption were everywhere—in the lobby, in the street,

the Prince of Wales, the Irish attorney-general, Mr. Fitzgibbon, afterwards Earl of Clare, said to an astonished house and an indignant nation,— "You have set up a little king of your own; half a million, or more, was expended some years ago to break an opposition, the same or a greater sum may be necessary now."

Their original parliaments were annual; by corruption they became rare, and were gradually protracted during the life of the king. Hence it followed, that if government purchased a majority in the first year, it remained its master, and disposed of it at its pleasure until the accession of a new king. To avoid the evil chance of too short a reign, it was once proposed to vote the supplies for twenty-one years; this was proceeding direct to the object, but the motion failed.*

In the reign of George III. a different system was established; the parliament became octennial, and was obliged to assemble once every two years at the least. The consequence was, that there was

on the steps, and at the door of every parliamentary leader, whose thresholds were worn by the members of the then administration, offering titles to some, amnesty to others, and corruption to all."— *Grattan's Letter to Lord Clare. Miscellaneous Works*, p. 107.

* It was lost by a majority of one. The casting vote was given by Col. C. Tottenham, who rode up from the country, and arrived barely in time to turn the contest; hence, "Tottenham in boots" became a popular toast.—*Tr.*

a new parliament to purchase every eight years; the members who sold themselves generally disappeared, and were not returned at the new elections; but others, equally venal, came in their stead, and what was regarded as a guarantee of independence, appeared to several a mere increase of expense to the English government, or rather to Ireland, which had to supply the funds for corruption.

The House of Lords was still more easy to gain. The crown exercised over it that ascendency which a superior necessarily possesses over those who derive from him all they have. Besides, they were almost all a new nobility, and consequently had no root in the country. Occupied with their pleasures in London, or attending on the King of England, they were more eager to pass for English lords than to be courageous defenders of the interests of their country. The session of the Irish House of Lords was only marked by some interchanges of courtesy with the viceroy;* and every time that these took place, the Irish lords displayed fresh meanness. "Never," says the biographer of Lord Charlemont, "did any nobility equal that of Ireland in varying the forms of obsequiousness and servility."

* For several successive days the journals of the Irish House of Lords present the same record. "Met—heard prayers—ordered the judges to be covered—adjourned."—*Tr.*

In truth, the Irish House of Lords neither was nor could be a source of embarrassment to the English government. It was too feeble, as a national institution, to render its support valuable; but it offered the British government a resource of another nature which had its value. It sometimes happened that the pension fund was exhausted when money for corruption was wanting; in such a case, peerages were sold to persons who had no claim to nobility, and who were, therefore, eager to become purchasers, and the sums of money derived from this traffic served to purchase the consciences which still remained free. The great merit of the peerage in the eyes of the government consequently was, that the sale of its honours supplied money for bribing the Commons. "Thus," said Grattan, in the Irish parliament, (Feb. 8th, 1791,) "The ministers have sold the prerogatives of the crown to buy the privileges of the people."

The legal agent between England and the two Irish houses of parliament was the viceroy of Ireland. For a long time, this high functionary attended to no part of his office but the emoluments. The charge of viceroy was regarded as a sinecure which the English government bestowed to arrange some political exigency. When a great lord or borough proprietor demanded some ministerial employment in spite of his absolute incapacity, he

was named Lord Lieutenant of Ireland;- it was also occasionally a means for some great person, poor or ruined, to make or repair his fortune. The viceroy possessed two magnificent palaces, one in Dublin, the other in the suburbs, but he did not reside in either. Dublin could not compensate him for London, where he was detained by his habits and his pleasures. There were some viceroys who never appeared in Ireland, such as Lord Weymouth, who was nominated to the office in 1765. They generally went over only for a few months to attend the opening of parliament, after which they returned to England. Although his sojourn in Ireland was so brief, the viceroy derived large profits from his office. Lord Wharton, in two years, is said to have netted 45,000*l*. So unusual in Ireland was a resident viceroy, that when Lord Townshend established himself as such in Dublin (1768) people looked upon the event with amazement, and seemed almost to doubt such a phenomenon.

During the absence of the viceroy, the government was entrusted to three lords justices, selected either from the privy council, the judges of the four courts, or the dignitaries of the Anglican church. These were employed by the English government to negociate the majority in parliament.

"There were always three or four influential

persons in the Irish parliament," says Dr. Campbell, "whose coalition necessarily produced a majority on any question whatever. These were the individuals whom it was important to gain, and with whom the lords justices treated; the most immoral and scandalous transactions followed. The lords justices leased out the Irish administration; they gave up to those influential members of parliament the disposal of all the employments and dignities dependent on the executive power, the revenue of Ireland, and the funds for pensions; bargaining that those persons in their turn should carry through parliament all laws desired by the English government. The vile agents thus employed by the English ministers were usually called "undertakers."

In virtue of the powers thus delegated to them, the undertakers appointed to all offices, selecting governors of counties, sheriffs, justices of peace, crown lawyers, collectors of excise and customs, &c.: they could even bestow peerages, or rather, as they never did anything gratuitously, they sold all that was given them. Parliament—justice—administration—everything was venal in Ireland.

The undertakers had every sort of advantage over the viceroy; as they were always on the spot, they knew better than he did the actual state of affairs, and the course of intrigues. Besides, they

lent themselves more pliantly than the viceroy to all the base manœuvres in which they were required to act as instruments. The office of viceroyalty was become so degraded, that no viceroy would execute it. All the power being placed in the hands of the undertakers, the viceroyalty was but a nominal dignity; and if a Lord Lieutenant had employed his right to dispose of places and honours, the undertakers would have complained of a breach of contract. In general, the recommendations of the viceroys were utterly disregarded.

Out of twenty viceroys, who, in the course of a century, succeeded each other in Ireland, Lord Townshend was the first who, in 1767, formed the project of administering the government himself. His intentions were pure and honourable; he wished to remove the dominant cabal, and govern Ireland directly, without the intervention of the undertakers.

But though the corruptors were removed, all those whom corruption had tainted remained, with the wants and habits they had acquired. Henceforth there were several members of the Irish parliament in both houses, accustomed to live on the pension of England, and whose hostility was to be expected if payment was suspended. Lord Townshend who, above all things, wished to be responsible for Ireland to his own country, had recourse

to the only means of success then known. He governed alone, but he governed by bribery, like those whom he had supplanted; but with this difference, that, being a novice in corruption, he submitted to exorbitant conditions from the consciences he purchased; though he reserved no personal gains for himself, he spent more than the undertakers, who never made a bargain without reserving something for their own share. On the whole, it cost Ireland more to be governed by a man of honour than by a set of political intriguers.* He was honourable, and the system was not. There is not a more ludicrous exhibition in the world than an honest man practising corruption; he understands nothing of the roguery with which he has to deal; vile intrigues should be left to mean minds; in such they are sure to be superior.

SECT. VIII.—*Is a servile Parliament of any use?*

It is impossible to glance at the parliament of Ireland and its venality, without raising a doubt whether it would not have been better for Ireland to be without any parliamentary representation,

* When Lord Townshend left Ireland, the treasury was in an arrear of 265,000*l.*

than to possess one so corrupt. Of what advantage to a country are representatives setting themselves up for sale? Is it not merely an additional load upon the people that has to pay them? Is not the authority of these pretended representatives a mantle with which power may veil itself, and from which it may derive greater strength for evil, than if abandoned to its own forces?

There are, doubtless, immense perils in the corruption of parliament. Still the executive has not always the power of purchasing members, even when it has the will. It sometimes happens, that people are not in a humour to sell themselves; and there are some difficult steps to be taken in the bargain which greatly impede the progress of corruption; finally, so great is the love of liberty, that even apostates to it endeavour to keep something in their own power; they equivocate with the purchasers, and make strange conditions with their own consciences; they endeavour to retain some little honour in the depth of their degradation, and are tempted to display independence at the very moment they accept servitude. Placed between the trust reposed in them by their constituents, and the engagements they have made with the power to which they have yielded, they doubtless belong to those whose money they have received, but not without some tendency towards

those whose esteem they wish to preserve. A power hostile to the people, acting independent of any assembly, would simply do as it pleased, without any regard to the interests of the country; the assembly sold to it will not contravene the course of power; but if there exist means of accomplishing what power requires without injuring the people, such means will be adopted even by a venal assembly. In the most venal and corrupt minds there is a kind of tacit compromise between honour and infamy, in consequence of which, the man who, in one way, most treacherously sacrifices the interests of his country, defends it most intrepidly in another.

It often happens, also, that the members of parliament who have sold themselves, compel the government to understand, that in order to be strong, they must not be too unpopular; and when a measure of tyranny is required, though they consent to it, yet, to escape execration, they demand that the oppressive act should be accompanied by some national measure.*

* Thus, in 1769, a money bill planned by the British cabinet, certified in England by the Lord Lieutenant and Irish privy council, and returned under the king's great seal, was rejected by the Commons after the first reading, because it had not originated in their house. On this occasion the patriots were aided by some pensioners and placemen, who had reserved to themselves a right of opposing the government in questions of importance . . . . On

We must also remember, that corruption is vainly practised on a large scale: it does not taint everybody. There are always some souls elevated above the reach of corruption. We may instance Grattan, Curran, Ponsonby, Lucas.* The minority that remained pure, became powerful by its virtue alone, which brought out in high relief the vices of the majority: and eventually this minority became formidable when supported by the wants and sympathies of the nation.

the motion of the prime-serjeant (Mr. Hussey Burgh) Oct. 12th, 1799, the House of Commons unanimously resolved that, in their address to the king, these words should be inserted: "We beg leave, however humbly, to represent to your Majesty, that it is not by temporary expedients, but by a free trade alone, that this nation is now to be saved from impending ruin."—*Tr.*

* The name of Hussey Burgh should not be omitted from this list. The following fragment, almost the only specimen of his eloquence that remains, is said to have produced the most electrical effect ever witnessed in a deliberative assembly.

"The usurped authority of a foreign parliament has kept up the most wicked laws that a jealous, monopolising, ungrateful spirit could devise to restrain the bounty of Providence, and enslave a nation, whose inhabitants are recorded to be a brave, loyal, and generous people; by the English code of laws, to answer the most sordid views, they have been treated with a savage cruelty; the words penalty, punishment, and Ireland, are synonymous; they are marked in blood on the margin of heir statutes; and though time may have softened the calamities of the nation, the baneful and destructive influence of those laws has borne her down to a state of Egyptian bondage. The English have sowed their laws like serpents' teeth, and they have sprung up in armed men."

The practice of corruption is beset by a multitude of obstacles and difficulties. If the man purchased be worth little, his defection makes little noise, but also the purchase is of little value. If he possesses importance, without doubt he is worth the money paid for him; but then the intrigue makes a noise. See what a clamour was excited by the defection of the patriot Flood,* when named to an employment revocable at the pleasure of the crown. One matter deserves to be specially remarked. It is not rare in the midst of corruption to find honest men, who resist temptation, treated as dupes or fools, blind to their own interest; and yet where can we find in history an independent character that is not remembered with

* The following character of Flood is contained in Grattan's reply to Lord Clare's pamphlet:—

"Mr. Flood, my rival, as the pamphlet calls him, and I should be unworthy the character of his rival, if in the grave I did not do him justice. He had faults, but he had great powers; great public effect; he persuaded the old—he inspired the young; the Castle vanished before him; on a small subject he was miserable; put into his hand a distaff, and, like Hercules, he made sad work of it; but give him the thunderbolt, and he had the arm of a Jupiter; he misjudged when he transferred himself to the English parliament; he forgot that he was a tree of the forest—too old, and too great, to be transplanted at fifty; and his seat in the British parliament is a caution to the friends of union to stay at home, and make the country of their birth the seat of their action."

honour, or a servile creature that is not branded with infamy?

The most venal parliament has sometimes another advantage. It is true that it generally aids power against the country; still, when a liberal administration comes, which may happen, it will be seen voting laws useful to the country with more ardour than it displayed in the support of anti-national measures. A sudden revolution seizes all the members; what they are commanded to do accords with their desires; they have always been the friends of liberty; they display marvellous zeal in defending the principles which they have hitherto combated; they give more than is asked, so happy are they to have the power of being popular without ceasing to receive the wages of servility. Finally, however prevalent corruption may be, a time comes when it is impotent; those who have been regularly paid for a long time, end by believing that what they receive is their due, and some day or other, in spite of their engagement to servitude, they will be found speaking and acting as if they possessed their liberty.

Sometimes, also, public opinion manifests itself so imperiously, that whatever may be the desire which members of parliament feel to resist it, though additions may be made to their pensions,

and a barrier raised by money between them and the patriotism outside, it is impossible for them to refuse what the country demands; and then this servile parliament becomes a precious instrument to proclaim the will of the people, which could only be manifested by irregular and violent acts, if it did not possess a constitutional organ for its expression.

When a government beholds the members of parliament it has purchased resume their liberty, it sometimes makes bitter complaints. It is wrong; for the consciences it bought had no right to sell themselves. More frequently it is silent; it fears lest one defection should bring several others: if it withdraws the pensions from those who acted independently, they are indignant at being deprived of a property which they regarded as sacred, and become from that moment adversaries of power, the more dangerous as they know all its secret turpitudes; and they become patriots the more zealous as they have the more need of proving the sincerity of their attachment to the popular cause.

When persons are alarmed at the cost of a venal parliament, they do not take into account all that would be spent and lavished without any limit or public advantage if there were not a parliament.

These considerations, which are in some sort a history of the Irish parliament, perhaps prove that

for a nation there is something worse than a corrupt representation, namely, to have none.*

* M. de Beaumont's views in this section are so admirably illustrated in the account which Grattan gives of the occasional bursts of patriotism in the Irish parliament, that it is worth while to quote the passage. It is taken from his celebrated reply to Lord Clare's Union Pamphlet:—

"Those servants of the crown proved themselves to be Irishmen, and scorned to barter their honour for their office; that parliament, whose conduct the pamphlet reprobates, had seen the country, by restrictions on commerce, and by an illegal embargo on her provision trade, brought, in 1779, to a state of bankruptcy; that parliament had reposed in the liberality of the British parliament an inexorable confidence—that parliament waited and waited, till she found, after the English session of 1778, nothing could be expected; and then that parliament—(and here behold the imperative principles of our constitution, and contemplate parliament as the true source of legitimate hope, though sometimes the just object of public disapprobation)—that parliament at length preferred a demand—I say a demand—for a free trade, and expressed in a sentence the grievance of a country. They shorten the money bill, assert the spirit of the country, and break, in one hour, that chain which had blocked up your harbours for ages. They follow this by a support of government and of empire as ample as was their support of their country and of her commerce, bold and irresistible, and do more to intimidate and deter the common enemy than all your present loans and all your establishments.

"I come to the second period, and here they fall back; here they act reluctantly; but here you see again the rallying principle of our constitution; that very parliament whom the pamphlet vilifies, whom the minister thought he had at his feet—those very gentlemen whom the pamphlet disparages—whom the then secretary relied on as a rank majority, made a common cause with the people, (made a common cause with liberties,) and, assisted and

CHAPTER II.

THE FRENCH REVOLUTION—ITS EFFECTS IN IRELAND.

SECT. I. 1789.

The French revolution found an immense echo in the miseries and passions of Ireland; it introduced new elements of reform into that country.

backed by the voice of that people, preserved, carried, and established the claim, inheritance, and liberties of the realm, and sent the secretary, post, to England—to recant his political errors in his own country, and to register that recantation in the rolls of his own parliament. These achievements we are to estimate, not by the difficulties of the day, but by the difficulties resulting from the depression and degradation of ages. If we consider that the people and parliament, who had thus associated for the defence of the realm, and had added to the objects of their association the cause of trade and liberty, without which that realm did not deserve to be defended, had been in a great measure excluded from all the rest of the world, had been depressed for one hundred years, (by commercial and political oppression, and torn by religious divisions,)—that then ministers had not seldom applied themselves to taint the integrity of the higher order, and very seldom (except as far as they concurred in the bounties of the legislature) applied themselves to relieve the condition of the lower order; that such a people and such a parliament should spontaneously associate, unite, arm, array, defend, illustrate, and free their country; overawe bigotry, suppress riot, prevent invasion, and produce, as the

Until then, the chiefs of the popular party, that is to say, the Whigs, having at their head Grattan and Lord Charlemont,* pursued liberty, such as it is understood by the English, that is to say, feudal

offspring of their own head, armed cap-à-pee, like the goddess of Wisdom, issuing from the Thunderer, *commerce* and *constitution*. What shall we say of such a people, and such a parliament? Let the author of the pamphlet retire to his closet, and ask pardon of his God for what he has written against his country!

* The following character of this distinguished nobleman is taken from Grattan's reply to Lord Clare's pamphlet:—

"In the list of injured characters, I beg to say a few words for the good and gracious Earl of Charlemont: an attack, not only on his measures but on his representative, makes his vindication seasonable. Formed to unite aristocracy and the people, with the manners of a court and the principles of a patriot, with the flame of liberty, and the love of order; unassailable to the approaches of power, of profit, or of titles, he annexed to the love of freedom a veneration for order, and cast on the crowd that followed him the gracious light of his own accomplishments; so that the very rabble grew civilised as it approached his person. For years did he preside over a great army, without pay or reward, and he helped to accomplish a great revolution without a drop of blood.

"Let slaves utter their slander, and bark at glory which is conferred by the people — his name will stand; and when their clay shall be gathered to the dirt to which they belong, his monument, whether in marble or in the hearts of his countrymen, shall be resorted to as a subject of sorrow, and an excitation to virtue.

"Should the author of the pamphlet pray, he could not ask for his son a greater blessing than to resemble the good Earl of Charlemont; nor could that son repay that blessing by any act of gratitude more filial, than by committing to the flames his father's publications."

liberty, claimed and obtained as a privilege and under the name of concession.

When the influence of France made itself felt, the liberals of Ireland invoked liberty as a right—a right natural, general, and imprescriptible. The radical who demanded reform in the name of Magna Charta, henceforth claimed it as part of the rights of man.

Irish reform thus assumed a philosophical character, which it had hitherto completely wanted; its circle was enlarged, it had higher aims, and it advanced farther. All those who were embued by this philosophical spirit, could not comprehend the refusal to Catholics of the rights recognised as belonging to Protestants; all men being equal, they ought to share equally in the benefits of the constitution, and hence universal suffrage followed as a necessary consequence.

All minds were then seized with an ardent fever of general innovation. Society was to be made anew; all reforms were to be proposed at once; social reform, political reform, religious reform. Everybody had his system, and everybody had speculated on the plan of a new constitution.*

* The very able sketch of the state of the public mind in Ireland during the French revolution, given by M. de Beaumont, will be recognised as perfectly accurate by all acquainted with the publications of that period. The principal authorities quoted by

The French revolution agitated all nations; but there was not a country in the world to which the impulse was communicated so quickly and so faithfully as Ireland.

Henceforth Irishmen had their eyes fixed on France, and everything which passed in that country excited their deepest sympathy. The cause of France was, in their eyes, that of all enslaved nations who aspired to freedom. "Right or wrong," said Wolf Tone, who only gave vent to sentiments generally felt, "right or wrong, success to the French. They are fighting our battles, and if they fail, adieu to liberty in Ireland for another century!"

Not only did Ireland sympathise with France and assume its passions, but it even adopted its manners, its language, the style of its laws, and all its new revolutionary allurements.

The volunteers of Dublin assumed the name of a national guard, (but a proclamation was issued against their meeting, and they never assembled on parade). The triumph of French liberty was annually celebrated at Dublin and Belfast. The anniversary of the capture of the Bastile became a

M. de Beaumont are Tone's Memoirs, Hardy's Life of Lord Charlemont, and a collection of detached papers called Belfast Politics, published at Belfast, 1794. The mention of these authorities here will supersede the necessity of further reference.—*Tr.*

national festival. In public assemblies the cap of liberty was substituted for the Irish harp. Orators at clubs and meetings styled themselves citizens of the world.

The following toasts were given at civic banquets, (in 1792,) "The sovereignty of the people," "The rights of man," "May philosophy illuminate all nations and people, and make them one great family." At a national festival, a flag, bearing the goddess of liberty, was displayed with the inscription, "To our sister of Gaul. She was born the 14th of July, 1789,—we are yet in embryo."

Ireland rejoiced in all the triumphs of France, and grieved at her reverses. A victory obtained by the French on the Rhine was celebrated by a general illumination in Dublin. The press shared the imitation of French language: patriotic letters bore the signature of "A Liberty Boy;"* friends gave each other the title of "Citizen," and United Irishmen raised the cry of "Long live the Nation!"

When a French expedition, sent in 1798 to revolutionise Ireland, landed in Killala bay, on the western coast, the following song was widely circulated through the country.

* This is a cant phrase in Dublin, and not an imitation of the French; part of Dublin is called "The Liberty."—*Tr.*

A SONG OF THE UNITED IRISHMEN.*

I.

Rouse, Hibernians, from your slumbers!
See the moment just arrived,
Imperious tyrants for to humble,
Our French brethren are at hand.
Vive la united heroes,
Triumphant always may they be,
Vive la our gallant brethren,
That have come to set us free.

II.

Erin's sons, be not faint-hearted,
Welcome, sing, then, Ça ira,
From Killala they are marching,
To the tune of Vive la.
Vive la united heroes, &c.

III.

To arms quickly, and be ready,
Join the ranks, and never flee.
Determined stand by one another,
And from tyrants you'll be free.
Vive la united heroes, &c.

IV.

Cruel tyrants, who oppress you,
Now with terror see their fall!

* This song was found on the mother of Dogherty, a United Irishman, who was killed at Delgany, in the county of Wicklow, in the autumn of 1798.—*From Mulgrave's Irish Rebellions, Second Edition*, p. 78 *of Appendix.*

Then bless the heroes who caress you,
The orange now goes to the wall.
Vive la united heroes, &c.

V.

Apostate Orange, why so dull now?
Self-will'd slaves, why do you frown?
Sure you might know how Irish freemen
Soon would pull your orange down.
Vive la united heroes, &c.

Sometimes Irish patriotism blundered in its adoption of French language and symbols; thus, in one song the Fleur-de-lys appears to have been mistaken for a symbol of republican France.

The Fleur-de-lys and harp we will display,
While tyrant heretics shall mould to clay.

But it is to the French revolution that we must especially attribute the immense change which took place in the feelings and principles of the Irish Volunteers. Liberal as the volunteers were, they did not cease to be Protestants, and they sought for themselves only the liberties and privileges of which, either from prejudice or religious passion, they believed the Catholics unworthy. They had, it is true, claimed for them some modifications of the penal laws, but they rather sought an abatement of persecution than a return to justice. Their liberalism was never entirely free from a sectarian spirit. They treated the Catholics as inferiors,

even when they lent them aid, and exercised over them a sort of patronage; but in 1792, in order to unite all ranks and parties, they took the name of United Irishmen.*

This new union between Protestants and Catholics was not only manifested by political acts, it was manifested in the minor details of social life. A patriotic dinner was given at Belfast, where Protestants and Catholics sat side by side in token of their harmony. The metamorphosis of the volunteers into United Irishmen is one of the most remarkable facts of this epoch, and deserves especially to fix the attention of the reader.

And, in the first place, the principal trait in the character of the United Irishmen was, that they derived the greater part of their inspiration from France. We see in Tone's Memoirs, that one of the principal objects of the committee was, to verify and publish everything of importance which occurred in France. This was a new starting-point for Irish freedom. Until then, the Irish revolutionist had been chiefly inspired by American genius; now he invoked at the same time the names of Washington and Lafayette, of Franklin and Mirabeau.

The military organisation of the United Irishmen was entirely modelled on that of the volunteers, but their principles were not the same.

* This name was first proposed by T. W. Tone.

The volunteers of Ireland were associated to protect Ireland from an invasion of the enemies of England. The United Irishmen were openly friends to France, and bargained with her for an invasion. But what especially characterises the transformation of the volunteers into United Irishmen was the sudden and fundamental change wrought in their political principles.

They suddenly exhibited a violent hatred of the Whigs, and a thorough contempt for the slow and regular progress of reform. Hitherto they endeavoured to obtain the abolition of oppressive statutes, and the enactment of good laws from the English government and their own parliament; they now required an entire change of system. They wanted either a complete, absolute reform, or to have nothing altered. We find from his Memoirs that Tone was grieved because a partial emancipation (1793) might give the Catholics some satisfaction. "The English yoke must be shaken off!" —"The connexion with England, the source of all Ireland's woes, must be broken!"—"To ameliorate the condition of the people, a vile and odious aristocracy must be humbled."—"In emancipating Ireland, the right arm of England must be cut away." Such were the wishes, the sentiments, and the new principles of the Irish reformers.

In proportion as republican France advanced in

revolutionary paths, they followed her. The doctrine that "the end justifies the means" was established in Ireland, and ardent friends of their country and of freedom were seen using their utmost endeavours to produce a French invasion. Here is the order of their ideas: "Ireland must be delivered from the English yoke; she is too weak to emancipate herself; there is consequently a *necessity* for asking assistance from a stranger." All the ardent patriots eagerly invoked the aid of the French armies. "Ten thousand men would suffice to separate Ireland from England," said Tone, in 1793. And what will be done when the government is overthrown? Terrible dreams of vengeance and extermination presented themselves to the minds of some of the reformers. "The aristocrats," said Tone, "have no mercy, and deserve none."

Still, in the midst of these revolutionary meditations, Wolf Tone, the head of the United Irishmen, who came to France to negociate for an invasion with the Directory, was brought into connexion with General Hoche, the head of the intended expedition, who, in a private conversation with the Irish patriot, used the following memorable words: "When you guillotine a man, you get rid of an individual, it is true, but then you make all his friends and connexions for ever ene-

mies to the government." Struck by this language, Wolf Tone adopted the opinion, that, in case of a revolution, it would be better to avoid sanguinary retaliation.

SECT. II.—*Other Effects of the French Revolution. Abolition of Penal Laws.*

England, hearing the echoes of the French revolution in Ireland, in order to calm the popular passions, hastened to make some of the concessions loudly demanded by the reformers.*

In the first place, the bar was opened to Catholics; the right of taking more apprentices than two was conceded to Catholic merchants and artisans; the law which prohibited marriages between Catholics and Protestants was abolished.†

Other concessions were soon added to these. At the beginning of the war with France in 1793, the English government, feeling the necessity of tranquillising Ireland, abolished the most severe laws which still pressed on the Catholics. Thus the law of conformity to the Anglican rites was abolished; the penalties against Catholic instruction

* In 1792, the Catholic petition was rejected with the greatest contumely; in 1793, more favours than that petition sought were granted.

† 1792, 32 Geo. III. ch. xxi.

were removed; the elective franchise was given to Catholics; but they were not yet made eligible to parliament.* Finally, with a few reservations, they were admitted to all civil and military employments in the state and the municipal corporations.†

The preceding reforms compose what is sometimes called the third emancipation of Ireland, or the emancipation of 1793. The first was produced by the American war; the second by the independence of the Irish Parliament; and the third emanated directly from the French revolution.

SECT. III.—*Other Consequences of the French Revolution.—Re-action.*

After this exaggerated, and in some cases stupid imitation of French revolutionary movements in

* 1793, 33 Geo. III. ch. xxi. These concessions would have been more full and complete, had not a portion of the Catholic aristocracy declared themselves satisfied with a part when so much was still due. To this dereliction of their own rights and those of their countrymen may be attributed no small amount of the subsequent evils of Ireland.—*Tr.*

† The clauses admitting the Catholics to municipal offices were clogged by subsequent provisos which neutralised their effects. The corporations took advantage of the legislative blunder, and, in spite of the manifest design of the law, Catholics are, in many places, practically excluded to the present hour.—*Tr.*

Ireland, excesses of infamous memory sullied the cause of liberty in France, and a re-action fatal to reform soon appeared in Ireland. The Protestants, who had reluctantly embraced the Catholic cause, seized this opportunity for abandoning it, and many of the Catholics, disgusted by French infidelity, rejected every reform that came from such a source. The republic, which henceforth appeared a blood-stained phantom, terrified the world, and dissension appeared in the body of United Irishmen.

The Parisian massacres of September (1792) are a remarkable epoch in the history of Ireland. Until that time, republican principles spread rapidly in Ireland; but they then stopped short—re-action commenced. In August, 1792, the Whig leaders were still on terms with the party of the United Irishmen. At the same epoch (August 7th, 1792,) the Catholic clergy made common cause with them; and their union with the Catholic proprietors was still unbroken.

The year 1793 arrived, and the patriot party of Ireland was struck to the heart; the public mind suddenly changed; the dreams of progress were dissipated, and the illusions of liberty vanished. The great Burke, whose talents had been devoted to the Irish cause, withdrew from it. From the month of October, 1792, the Catholic clergy sepa-

rated in a body from the reformers; and when the question of universal suffrage was proposed in the House of Commons, Grattan, the chief of the Whigs, resisted it with all his might. "Compare," says Tone in his memoirs, "our committee in 1793 with what it was in 1792."

The most ardent Irish democrats, when they heard of the fatal days of September, could not avoid feeling some degree of terror. Tone comforted himself by considering the Irish character. "In France," said he, "the people assassinate, and do not plunder: an Irish mob would do just the contrary; it would rob everybody, and kill nobody."

The English government, long alarmed by the agitations of Ireland, eagerly seized an opportunity of striking a mortal blow at the revolutionary spirit. Without encountering any formidable opposition from the Irish people, it dissolved and suppressed the volunteers, forbade the formation of armed bodies without the authority of the executive power, disarmed the citizens, sent strong garrisons into the towns, prevented public discussions at clubs or meetings, prohibited the sale of munitions of war, and finally passed a law (the Convention Act) which prohibited every assembly of delegates for deliberating on public affairs. These energetic measures were everywhere put into exe-

cution ; they were resisted nowhere but in Belfast, and there the laws were easily enforced by the strong arm of power.

Ireland, hitherto so agitated, was paralysed. It was almost ready to become a republic ; but it now murmured at the very name of liberty. Still, notwithstanding the decay of public spirit, some isolated but ardent patriotic passions survived in Ireland.

Deprived of all public means of action, the reformers sought others. The association of United Irishmen still subsisted; but, as it was menaced by law, it acted in the shade instead of the open day. It attacked the government previously at meetings and through the press, or in national conventions, but now it conspired secretly. Formerly, free to consult the nation, it received its instructions from the people, and was more or less obliged to conform to them ; now, forced to act secretly, the leaders of the United Irishmen received no mandate but from themselves, and conducted Ireland according to their personal views and passions. The Irish people could no longer dictate to its agents when and how reform should be effected; the leaders were to determine both the moment and the means. Now the chiefs of the popular party, seeing that the nation had fallen again under the yoke, and was too much humbled

to rise, believed that Ireland could not effect a revolution by herself. Consequently they resolved to invite a foreign army into Ireland to deliver the country from its fetters. Hence three attempts to invade Ireland were made by France between 1796 and 1798, in consequence of negociations between the Directory and the head of the United Irishmen. Hence arose the fatal insurrection of 1798, and hence, finally, the parliamentary union between England and Ireland, which was completed in 1800.

SECT. IV.—*French Invasion of Ireland, Insurrection of* 1798.

Tone's Memoirs contain the most interesting account of this insurrection, and of the three French expeditions. The Irish insurrection and the French invasion were to be so combined as to afford each other mutual aid; and Wolf Tone had been accepted by the Directory as a general of brigade, though he was in reality only the diplomatic agent of the United Irishmen with the French government. Tone, Irish to the heart's core, an enthusiast by nature, an ardent partisan of French and republican ideas, displayed extreme zeal and rare intelligence in engaging the Directory to send an expedition to Ireland. He cleverly dispelled the

fixed notion of all the French politicians of the time, which was a descent upon England, and succeeded in persuading the members of the French government that England could be best attacked through Ireland.

We see in his Memoirs, that at the close of the year 1796, an expedition commanded by General Hoche was prepared, and that the fleet separated by a storm from the vessel that carried the general; it was compelled to return to Brest, from whence it had started, without even attempting a debarkation.

If we believe Tone's Memoirs, it depended on a mere trifle, whether Napoleon might not have made an expedition to Ireland instead of a campaign in Egypt. Two reasons prevented him; he was reluctant to execute an enterprise which Hoche had planned; and secondly, he displayed at this time a singular repugnance for the French Jacobins, with whom the United Irishmen had formed very close connexion.

Hoche's expedition failed from a concourse of unfortunate circumstances; a thousand other events retarded the execution of French designs on Ireland. Still the French were expected in that country, and the plan of a vast insurrection was prepared without relaxation. This insurrection was immediately to follow the landing of the

French troops; but such was the dominion of events, that the insurrection took the lead. After a thousand successive adjournments, which could not be renewed without the greatest peril to most of the conspirators, the insurrection exploded.

It had been too long uncertain and languishing for the people to have faith in it; badly concerted, badly directed, received with coldness by some, and with terror by others—guided by men divided amongst themselves, some of whom wished for reform, and others for revolution—rejected by the aristocracy in a body,* and even by the middle classes themselves—reduced to support itself solely on the lowest of the people—composed of the most heterogeneous elements, of Presbyterians fighting for a republic, and Catholics contending for the freedom of their creed†—mutual enemies associated by surprise in a common course, though they aimed at different ends. Guided by such chiefs, sustained by such a base, the insurrection could not succeed. It might be

* With one splendid exception, Lord Edward Fitzgerald. The life of this amiable and unfortunate young nobleman, by Moore, is, perhaps, the most interesting piece of biography in any language. It unites all the charms of romance to the importance of truth.

† In some cases, no doubt, for its supremacy; they had been taught the lesson of exclusion by the ascendency, and had they succeeded, they would have in all probability proved themselves apt scholars.—*Tr.*

said to have died before it was born: its only effect was to bring from the British government the most atrocious and sanguinary measures of repression.

The recital of the horrors committed during this fatal crisis would of itself be a long and mournful history; luckily for the author, the limits of this summary do not allow him to discuss the details of this terrible epoch.*

I do not know if the sanguinary annals of Ireland exhibit war in a more horrible aspect; I speak not here of the acts of barbarity committed in the heat of action, and by which the insurgents and their opponents were equally sullied. What civil and religious war is there that does not bring frightful violence, murder, pillage, devastation, and flame? I mean to speak of the cruelties committed in cold blood by the victorious party.

Perhaps one sentence will suffice to show all the miseries of Ireland at this moment; even after the war, the country was delivered over to the mercy of the soldiery.† In the middle of the in-

* The most impartial history of the Irish insurrection yet published is that by the Rev. Mr. Gordon, a Protestant clergyman.—*Tr.*

† A soldiery, be it remembered, so totally demoralised, that General Abercromby declared it to be "formidable to everybody but the enemy."—*Tr.*

surrection, martial law was proclaimed; when the revolt was subdued military justice was not withdrawn; and the English army, after having struck down the enemy on the field of battle, pursued them still with sentences of death pronounced by courts-martial. A few examples will suffice to show the proceedings of this soldier-justice, stimulated by passion and unrestrained by rule.

Lord Charlemont declares in his Mémoirs, that suspected and accused persons were, without any form of trial, tortured, flogged, and half hanged, in order to extort confessions.* A gentleman of eminent merit, Sir Edward Crosbie, had declared himself favourable to reform in parliament; the military judge concluded that he was a republican, and had him brought to the bar. At the trial, "Protestant loyalists, witnesses in favour of the accused, were forcibly prevented by the bayonets of the military from entering the court."† This was not all: "Catholic prisoners had been tortured by repeated floggings, to force them to give evidence against him, and were promised their

* On this repulsive subject it is not necessary to enlarge; but it is sufficient to say, that the torture of the suspected was made the subject of boast in public, and was even vindicated in pamphlets. —*Tr.*

† See Gordon, vol. ii. p. 393. See also Curran's speech in the case of Heavey *versus* Sirr.

lives upon no other condition than that of his condemnation." Notwithstanding these and other violent measures, no charge was proved; of which the members of the court-martial who sentenced him to death were so sensible, that, in defiance of an act of parliament, the register of the proceedings was withheld as a secret from his wife and family. The court was irregularly constituted, and illegal, destitute of a judge advocate. The execution of the sentence was precipitate, at an unusual hour, and attended with atrocious circumstances, not warranted even by the sentence. After he was hanged, his body was abused, his head severed from it, and exposed on a spike.* The president of the court was an illiterate man, unable to write the most common words of English without mis-spelling.

In the course of this savage administration of justice, every art was employed to accumulate proofs of guilt; even proofs of innocence were used for the purpose. Who would believe it? It was a grave subject of charge before these

* The rank of the unfortunate baronet rendered it impossible to conceal the iniquity of his fate; but there were many other victims to brutal ignorance invested with power, whose cases were not less atrocious, but for obvious reasons they may now be permitted to rest in oblivion.—*Tr.*

military tribunals to have rescued Protestants from the fury of the rebels; for this influence over the insurgents was deemed a proof of attachment to their party. "I thank my God that no person can prove me guilty of saving any one's life or property!" was the sudden exclamation of a Catholic gentleman in a company where the notoriety of the practice was the subject of conversation. These, and many similar facts, are recorded by the Rev. Mr. Gordon, a clergyman of the Established Church, all whose sympathies were in favour of the men whom impartiality forced him to condemn.

In a short time two hundred victims fell by the hand of the executioner. The legal punishment of the condemned did not always satisfy the passions by which it had been procured. When the sentences pronounced by the court-martial at Wexford were executed, the bodies of the victims were mutilated, insulted by a thousand indignities, and thrown into the river, after their heads had been severed and spiked on the walls of the court-house. Sometimes, after the victim was turned off, he was lowered on his feet until he recovered; he was then again suspended, and thus the tortures of strangulation were multiplied at pleasure.*

* Prisoners were sometimes strangled by being suspended from

The deep wounds which Ireland received from these dreadful measures of repression long remained open and bleeding. The English army destroyed all the harvests on its march, and the consequence to the people of Ireland was a general famine, which lasted two years. The number of individuals slain on both sides during this calamitous period has been estimated at thirty thousand men, and the destruction of property during the continuance of the civil war, at 2,000,000*l.*

The insurrection was suppressed in Ireland when two French divisions arrived. The first, amounting to about one thousand men, sailed from Rochelle, under the command of General Humbert, and, on the 22d of August, 1798, landed in Killala bay, on the coast of Connaught. After gaining a victory at Castlebar, it was met by Lord Cornwallis, the viceroy, who took the command in person, with an army twenty times its strength; it was defeated and made prisoner. The armament, consisting of three thousand men, embarked in a ship of the line and eight frigates, sailed from the bay of Camaret, on the 20th of September, 1798, and on the 10th of the following October reached the entrance of Lough Swilly, in the province of Ul-

the shoulders of tall men; an officer in his Majesty's army, for his services in this way, was honoured with the title of "the walking gallows."—*Tr.*

ster. Preparations for landing were made, when a superior fleet, under the command of Sir John Borlase Warren, appeared, and, after a terrible engagement, the French squadron was compelled to surrender. Wolf Tone shared in this expedition; he was taken, recognised,* tried, and condemned to death.

Such was the sad and fatal termination of those attempts at invasion from which some ardent spirits expected the regeneration of Ireland, but which were to her only the cause, or the pretext, for new and terrible persecutions.

Consequences of the Insurrection of 1798.—*The Union.*

After the insurrection of 1798, England, holding Ireland under her hand as a vanquished rebel, punished her without reserve or pity. Twenty years before, Ireland had entered into possession of her political liberties. England preserved a better recollection of this success of Ireland, and hastened to profit by abasement to place her again under the yoke.

The Irish parliament, after the recovery of its independence, became a subject of annoyance to

* The British naval officers were willing that Tone should escape, and affected to believe that he had fallen in the action, but he was recognised and denounced by Sir George Hill, who had been his fellow-student in the Dublin University.—*Tr.*

England; to become its master, required an endless care of corruption, notwithstanding which, opposition was occasionally experienced; the opportunity seemed favourable for its suppression, and England resolved to abolish it altogether.

At this news poor Ireland was agitated, as a body about to be deprived of life still moves under the irons by which it is mutilated and torn. Out of thirty-two counties, twenty-one protested energetically against the destruction of the Irish parliament. This parliament, from which an act of suicide was demanded, indignantly refused, (in 1799,) and voted the maintenance of its constitutional existence.

Indignant at the servility demanded from the body of which he formed a part, Grattan vehemently denounced the ministerial proposition. But all resistance was vain. The only serious obstacle to England was, the reluctance of the Irish parliament to vote its own annihilation. Hitherto its acts were bought, but now its death was to be purchased. Corruption was immediately practised on a large scale; places, pensions, favours of every kind, peerages, and sums of money, were lavishly bestowed; and the same men who had rejected the Union in 1789, adopted it in 1800 by a majority of 118 to 73. It has been calculated, that out of the 118 votes, 76 were pensioners or placemen.* One of the

* Their names are given in Mr. O'Donnell's remarkable amend-

greatest difficulties arose from the number of boroughs belonging to rich proprietors, who made a lucrative traffic of seats in parliament. To silence these complaints, every rotten borough was valued at 15,000*l.*, and this sum was proffered as an indemnity to all those who by the Act of Union would lose their political privileges.* The engagement was kept, and the total indemnity amounted to 1,260,000*l.*

Thus was completed the self-destruction of the Irish parliament, an act imposed by violence and sustained by corruption; but it was not effected without rousing in Ireland all that remained of national feeling and patriotic sentiment.

When Lord Castlereagh moved "that the bill should be engrossed," Mr. O'Donnell moved as an amendment, "that the bill should be burned;" to which Mr. Tighe also moved as an amendment, "that it should be burned by the hands of the common hangman." (But these were vain exhibitions of the "*ira leonum vincla recusantium.*")

ment, that the Address to the Lord Lieutenant should be presented by the pensioners and placemen. (See Grattan's Speeches, vol. iv. p. 5.)—*Tr.*

* A most extraordinary claim for compensation was made by the Bishop of Ossory; his petition averred, that his predecessors had got promotion in consequence of their influence in the borough of St. Canice: he therefore claimed to be remunerated for having his chances of promotion diminished by the disfranchisement of the borough.—*Tr.*

Constitutional and Political Effect of the Union.

Nothing is more common than to mistake the real effect of this measure, and the error arises from taking the word *union* sometimes in a moral sense, and sometimes in too extensive a political sense.

If by *union* we understand the concord and sympathy of two nations formerly divided, we must confess that this term is quite unsuited to the act under consideration; for England and Ireland were, perhaps, never more hostile to each other than after the union of 1800.

It would also be a great error to suppose that the act of 1800 identified England and Ireland, so as to make this latter a province, subject in all points to the same government, the same police, and the same laws.

Before the act of union, Ireland had its own institutions; it preserved them after the union, with the single exception of its parliament.

When England added Ireland to herself, she did not resolve that Ireland should for the future be governed by the laws and principles of the English constitution; she did not and could not do any such thing. The English constitution is not a charter in a hundred articles which may be granted hastily

to a nation in urgent want of a government. It is especially composed of usages, traditions, habits, and a multitude of statutes, connected with the usages from which they cannot be separated, whether they annul or confirm them. Now, though the observance of a law may be prescribed to a people, a usage or custom cannot be so enjoined: a custom is a complex fact, the result of a thousand preceding facts; it is consecrated, not imposed; were it possible to remove its prescriptions to a people with whom it had not originated, it would be impossible to transfer its spirit. What, then, did England do, when she proclaimed the union with Ireland? She declared that for the future all laws necessary to the two countries should be made in a common parliament, to which each should send representatives; but whilst providing for the future, she left the past untouched; and Ireland, united to England, remained in possession of all her laws and usages, except that which assigned her a separate parliament.*

Thus, after the act of union, there was always *an Ireland*; in the terms of this act, the three kingdoms form a single empire, under the title of

* By the eighth Article of the Union, it is enacted, "That all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain now as by law established."

the United Kingdom of Great Britain and Ireland. After the union with England, Scotland lost its name, but Ireland kept hers; and she will still longer keep her national habits and passions.

CHAPTER III.

CATHOLIC EMANCIPATION IN 1829.

The convulsions in 1798, of which the union in 1800 was the last episode, were followed by a long repose, or at least order was re-established in Ireland, such as it had been before the nation made an effort to break its fetters. The Protestants resumed their habits of oppression, the Catholics submitted in silence: this sort of peace reigned twenty years in Ireland.

Nevertheless, at the moment when the act of union was formed between England and Ireland, the latter engaged to the former that all the political incapacities to which the Catholics were subject should be abolished. This abolition was promised as an alleviation of the rigours of the act of union. But when this act was accomplished,

the measures of grace and generosity stipulated to accompany it were not realised. Mr. Pitt, then prime minister, evinced, it is true, some anxiety to keep his engagements, but his wishes were powerless before the obstinacy of George III., who believed that he would violate his coronation oath by consenting to Catholic emancipation. The minister behaved nobly: not being able to keep his promise, he resigned his office.* Ireland had not less reason to complain of a breach of faith; warned by past misfortunes, she had not recourse to violence and revolt, in order to obtain justice; for the assertion of her rights, she only employed the legal means offered to her by a free constitution. The press and the association were her two most potent instruments. About the year 1810, a Catholic committee was organised, and took in hand the direction of all the national efforts which tended to reform.† John Keogh directed this body until O'Connell appeared, and ruled over it as it ruled over Ireland. The Catholic association took for its object and motto the parliamentary emancipation

* But he resumed it again without making any stipulation in favour of the Catholics.—*Tr.*

† The very interesting history of the struggles made by this body is now out of print, and a copy can scarcely be obtained. It is to be hoped that its amiable and highly-gifted author, Mr. Wyse, will favour the world with a second edition.—*Tr.*

of the Catholics: public opinion excited on this point grew warm by degrees; the press stimulated incessantly; the people, convened in meetings, grew animated at the voice of the leaders; petitions were sent to parliament; they failed, but their rejection alimented the passions that had dictated them. O'Connell, who soon became powerful with the people, guided them with prudence and skill; thus, reform advanced with equal wisdom and boldness. England refused the emancipation demanded by the Irish Catholics; Ireland sent a Catholic to represent her in the English parliament; the representative was O'Connell, the county that elected him, Clare; and this act was accompanied by demonstrations too imposing to be despised. Ireland, cloven down and mutilated thirty years before, began to rise from her ruins; recourse to violence had destroyed her, adherence to right restored her power.

On the 13th of April, 1829, the English parliament adopted the bill by which every Catholic may, for the future, enter parliament without taking an oath repugnant to his conscience. Thus fell the last link of the chain of the penal laws by which persecution was supported. This is the term of the fourth epoch,—the close of the period which separates the past from the present.

IRELAND,

SOCIAL, POLITICAL, AND RELIGIOUS.

CHAPTER I.

EXTERNAL APPEARANCE OF IRELAND. MISERY OF ITS INHABITANTS.

IRELAND, by a fatal destiny, has been thrown into the ocean near England, to which it seems linked by the same bonds that unite the slave to the master.

Its coasts are high; differing from England, the soil of which, elevated in the centre, gradually falls towards the shores; it exhibits in its midland a vast table-country, of which the surrounding peaks seem to form the borders.

This external conformation explains the short and rapid course of its rivers, which, issuing from the mountains, seem only born to perish instantly, and find their tomb in the depth of the seas by the very side of their source.

Nevertheless, there is one great river in Ireland, such as neither England nor Scotland possesses this is the Shannon, which, by an extraordinary accident in Ireland, rises in the inner table-land of the country; and thus, placed on a level surface surrounded by eminences, it seems, as it were, imprisoned in a great vase, from which it could not escape save by overflowing. But its privileged waters find no obstacle to their passage; a gentle and almost insensible declivity offers to their course no asperities by which it might be precipitated or suspended. Abundant and flowing near its source, where more feeble streams are exhausted,—majestic and tranquil where other rivers are hurried onwards and lost in torrents, the Shannon, in a course of more than two hundred miles, distributes the benefit of its stream to half of Ireland, and gently advances to the ocean, into which it does not throw itself, but imperceptibly mingles with its waters.

Nature seems to have bestowed its most bounteous gifts on Ireland; she has enriched the bowels of its ground with the most precious metals, poured

with lavish hand the most fertile soil in the world over the rock that serves as its base; she has bestowed on its maritime commerce the finest harbours, fourteen of which are fit to receive ships of war; and, as if she had destined the country to high fortunes, she has placed it on the west of our continent as an advanced outpost, the depository of the keys of ocean, charged to open to European vessels the highway to America, and to offer the American vessels the first European harbour.

Having made these rich presents, Nature further laboured to embellish the country; she has traced the forms of its mountains with infinite grace, interspersed its valleys with prairies and lakes, and, covering the whole with a brilliant robe of verdure, has desired that it should be called, in the language of the poet, "*Green Erin*, the lovely *Emerald Isle*,"

"First flower of the earth, and first gem of the sea."

Still, in spite of the ornaments it bears, and the treasure that it contains, Ireland is neither a smiling country nor a prosperous land.

The most beautiful natural prospect wants life when it is not animated by the sun. These beautiful mountains, these immense lakes, these endless meadows, these hills as verdant as the vales, doubtless present the most charming landscapes when

accidentally seen under a clear sky; but the atmosphere of Ireland is generally dark and clogged with mists and fogs. The west and south-west winds blow on it almost without intermission; they bring to it the storms[1] and tempests of the Atlantic; the ocean masters Ireland, and has sovereign rule over its temperature: it is the tyrant of its climate.[2]

Formerly Ireland was a vast forest; so powerful was the vegetation there, that it was called "the island of wood."[3] It is now almost destitute of trees; and when, on a fine day in spring, it appears, though bare, full of sap and youth, it seems like a young and lovely girl deprived of her hair.

It is not exactly known at what time and by what process this great destruction was effected. We may, however, be assured that it was before the christian era, and probably at a much more distant date. Some attribute it to an extraordinary inundation, which uprooted the trees, levelled the forests, and buried them in the bosom of the earth. Others, whose opinion is better supported by scientific study, believe that the ruin of the forests was the result of violent storms. When the lofty forests that covered the country were compact and entire, they afforded each other mutual support against the violence of the tempests; but, in proportion as man requiring an open space

for his house and field, effected clearances here and there, the trees near those that had been cut down were without support against the fury of the hurricane, and fell before blasts that were previously powerless; every ruin occasioned by a tempest produced a thousand others, rendered more easy as they were multiplied: the work of destruction went on, and all the fallen trunks, descending by the natural declivities to the lakes and the marshy parts of the soil, were stopped on this liquid base, where, heaped one above the other year after year, they were mingled together, some preserving their natural form, others decomposing into vegetable matter, until they formed that spongy, combustible substance, sometimes red and sometimes black, of which the vast turf-bogs of Ireland are composed.

But the greatest convulsions and most terrible shock to Ireland came not from the ocean, from winds, or from tempests—they were the work of man.

We have seen in the foregoing historical introduction to what cruel sufferings Ireland was subject during the three centuries which followed the landing on her shores of the Anglo-Normans, so prompt to invade, so slow to effect a conquest,—how, whilst Ireland was still palpitating from the struggles of the invasion, she endured the terrible

shocks and sanguinary trials of a civil and religious war;—finally, how, after having been mutilated and crushed by the arms of Protestant England, Catholic Ireland endured the tyranny of law. The struggles of the conquest have long ceased; the wars of religion are at an end; persecuting laws have disappeared; and, towards the close of the last century, Ireland commenced a new era of independence. Nevertheless, Ireland is unhappy and poor; all the sources of its misery have not been dried up; and amongst the causes of its misery there are some whose consequences still exist, and are destined to a long duration.

I do not believe that there is any country where a conquest of so distant a date has left impressions at once so old and so vivid. It seems that ages as they roll have not healed one of its scars. The soil is still bleeding with its wounds; everywhere war has left its devastations—everywhere confiscation has struck its blows. It is impossible to travel in Ireland without meeting a ruin which was the witness of some sanguinary struggle; it is scarce possible to stir a step without treading on land which, by the fortune of civil war, has not passed through the hands of three or four sets of possessors, the last of which, remaining master, represents the cause that triumphed. The vanquished may be seen beside the conquerors still full of the

recollections of more prosperous times. These fields, they tell you, "belonged to our ancestors; Cromwell gave them to one of his soldiers, who has transmitted them to his children. That castle, now occupied by an English lord, whose nobility is of recent date, was confiscated by William III. from an Irishman of illustrious race and royal blood, whose descendants now till the soil over which their ancestors reigned."

But the wounds made by the wars of religion are those which are still the deepest and most grievous n Ireland.

Everything in Ireland is mingled with religion; the recollections of its history from the time when it was called the Island of Saints, down to the last century, when it was persecuted for its faith,—the struggles of the conquest,—the revolutions that followed it,—the governments which succeeded it, —its social condition in our days,—the classes and political parties that divide it, the passions that animate it,—the character, the manners, and the intellectual developement of its inhabitants, even the geographical distribution of its territories,— all bear the stamp and impress of religion.

We cannot hope to learn the misfortunes of Ireland without thoroughly understanding Ireland in its religious aspect.

It is divided into two distinct zones, the northern

Protestant, the southern and western Catholics; the former is limited to Ulster, the second extends over the other three provinces, Leinster, Munster, and Connaught.

Connaught is, in our days, the type of ancient Ireland. It would seem as if Nature had been anxious to distinguish it from the other provinces. The ocean bounds it on the west, the river Shannon girds it on the south and east, forming it into a peninsula separated from the rest of Ireland. It was thither, in the time of Cromwell, that the unfortunate persons were driven, who had to choose between death and that place of retreat. "To hell or Connaught," said the tyrant to the proscribed. Those who sought shelter in that wretched land brought with them the ancient faith of their ancestors, their banished religion, their exiled country. Since that time, Connaught has not ceased to be the great focus of Catholic Ireland. Nowhere is the remembrance of the civil wars more vivid—nowhere are the Englishman and the Protestant detested with a hatred more religious and more national.[5]

The characteristic of the north is not merely that it is Protestant, but that it is puritan: Ulster is the Scotland of Ireland. This province has preserved, in all their bitterness, the old antipapal passions which the settlers of James brought with

them, and which the soldiers of Cromwell and William III. revived. The inhabitant of Ulster is not merely separated by a river from the native of Connaught, religion has established a still more powerful barrier; and a great length of time must elapse ere the Scotch puritan of the North of Ireland will regard and treat as brethren the Catholics of Connaught. In Connaught, most of the people speak the primitive language of the country; in Ulster, English (or rather Scotch) is the only language. Ulster is the type of Protestant, and Connaught of Catholic Ireland.

In general, the primitive Irish are Catholics, the English Protestants, attached to the Anglican church, and the Scotch also Protestants, but adopting the Presbyterian ritual.

I have said, that in Ireland everything is mingled with religion, that parties and the state of society bear its imprint. Protestantism, which since the age of Elizabeth has been the creed of the conquerors of Ireland, is the religion of the upper classes. The Protestant is rich, the Catholic poor. In general, the former governs; the latter, consigned to an inferior condition, obeys the Protestant as a political master for whom he labours.

The Protestant religion is a sign both of fortune and of power. Not only is the Catholic poor and the Protestant rich, but each seems to think that

such is the natural condition of both; the Catholic accepts his humble destiny, and the Protestant places implicit confidence in his pride of place. The latter, in his relations with the Catholics, displays some of that superiority which Europeans in the colonies exhibit to persons of colour who retain traces of their African descent.

The Protestant is not only a descendant of conquerors, the inheritor of their glory and of their power, established by seven centuries of domination, he believes himself of a race superior to that of the Irish; and as in Ireland religion marks the race, Protestantism is regarded as a species of nobility. This opinion, it is true, grows weaker every day, but sufficient traces of it remain in the mutual relations between Protestants and Catholics to allow of its escaping notice.

The Catholic of Ireland is in that dubious state in which a freedman finds himself when first delivered from servitude, and who makes his first essay of liberty—obliged suddenly to change the manners of a slave, that no longer suit him, for the deportment of a free man, which is as yet unknown. In spite of fact and right, he still regards as his master the person who has been so. Vainly does he protest, by external acts, against this inward sentiment: the cry of conscience, depraved by former servitude, gives him the lie within his own

bosom; and sometimes the grossness and insolence which he displays in asserting his equality with the Protestant, serve in reality only to place him below the latter.

Nothing is more rare than to find, with the Irish Catholic, a just appreciation of his actual condition; in his intercourse with Protestants, you will always find him take his ground too high or too low; either, forgetting his emancipation, he offers himself in an humble and obsequious attitude to his former master, or, intoxicated by the victory over his oppressors, he is not contented to be their equal, but wishes to prove himself free by oppressing them in his turn.

There is another circumstance in the social condition of Ireland not less remarkable than this aristocracy of race and creed; that is, the feudal aspect which the country offers in the middle of the nineteenth century.

The government of the English in Ireland has been for the last hundred and fifty years a Protestant aristocracy, grafted on a feudal aristocracy. Great reforms have been made in the laws which established the Protestant ascendency, but the feudal base of the edifice has for the most part remained unshaken.

The country, after the religious confiscations, was divided amongst large proprietors, and has still

remained in the possession of their descendants, who have received the large estates of their ancestors entire, under the protection of the laws of primogeniture and entail. These lands are cultivated by the Catholic population, theoretically free to detach itself from the soil, but bound to it as the only means of existence, and in reality in a condition worse than that of the serfs during the middle ages.

This state of things presents only a deceptive analogy with England. In the latter country, as in Ireland, the feudal law, doubtless, keeps the property of the soil in a small number of families, who receive and transmit it without the power of dividing estates; but, by the side of these fortunes derived from land, there have risen fortunes made by industry and commerce; whilst the feudal principle operates to maintain the rich in his wealth and the poor in his misery, the industrial and commercial principle is incessantly at work to displace fortune, to diminish the number of the poor, and to raise new men to wealth. These two rival powers are in a state of incessant war, which leaves no repose to the combatants. The industry which creates is superior to the feudal principle which preserves; the rich, armed with his fruitful land, is vanquished by the activity of an industrious producer; between the lord of the soil and the *prolé-*

taire, an infinity of new existence is constantly rising, which collectively forms the middle class. This class is almost unknown in Ireland.

Ireland presents an eternal contrast of riches and poverty, of which it is singularly difficult to form a correct idea.

When the traveller, approaching the Lakes of Killarney, halts near Mucruss Abbey, a double spectacle is offered to his view; on one side, uncultivated plains, barren marshes, monotonous flats on which meagre rushes and rickety firs miserably vegetate; extensive heaths, through which appear here and there some rocks of moderate elevation, whose uniform aspect, destitute even of savage beauty, attests only the poverty of nature; it is impossible to imagine a land more indigent or more desolate.

But on the opposite side a far different scene bursts upon the view; at the foot of a chain of mountains, gracefully divided and separated from each other by a series of lovely lakes, are extended rich and fertile plains, verdant and smiling meadows, forests full of sap and vegetation; here there are cool shades, secret grottos, mysterious shelter; there are open spaces, bold peaks, an horizon without bounds; by the side of silver streams are fields covered with yellow ears of corn; abundance, riches, and beauty everywhere;—everywhere the extraordi-

nary of nature as graceful as she is fruitful. Thus, from the same point may be seen two landscapes absolutely opposite; on one side extreme wealth, on the other extreme wretchedness; it is the image of Ireland.

The traveller in Ireland meets only magnificent castles or miserable hovels; but no edifice holding a middle rank between the palace of the great and the cabins of the lowly; there are only the rich and the poor.

The Catholic of Ireland, or the man of the lower class, finds only one profession within his reach, the culture of the soil; and when he has not the capital necessary to become a farmer, he digs the ground as a day labourer.[6] Two-thirds of the English population are industrial or commercial, only about a fourth part is agricultural. In Ireland, less than a fourth part is manufacturing or commercial, more than two-thirds are exclusively devoted to agriculture.[7] He who has not a spot of ground to cultivate, dies of famine.

From what has been stated, it may be seen that the incredible variety of classes, ranks, and degrees, which infinitely divide the social scale in England, cannot be found in Ireland, where the limit which separates the aristocrat from the *prolétaire* is marked by a narrow line, on which no intermediate existence can be placed.

The Protestant in Ireland, who has the privilege of rank, of political power, and of wealth, has likewise the monopoly of education. Until very recent times there existed no primary schools, save for the Protestants; even at the present day, Catholics have not the same advantage as Protestants in the establishments consecrated to the higher branches of education. Thus, whilst everything is calculated to develope the intellectual faculties of the rich, the poor man is abandoned to himself, and left in his ignorance.

It may easily be conceived how these two opposite classes, each constituted on an immutable base, must have developed and extended themselves, the one in the sphere of its power, the other in the circle of its misery and sevitude.

It is necessary to reflect long on what has passed during several centuries; it is necessary to represent the rich and poor following invariably for ages two opposite roads, the one leading to extreme wealth, the other to extreme misery; it is necessary to estimate the logical and necessary results of these two principles, the first of perpetual increase, the second of progressive ruin, fortifying each other, and finding a new power of action in each of their consequences; it is necessary, I say, to meditate long on these causes, to comprehend the excess of luxury to which the Irish

aristocracy has reached, and the inveterate leprosy of misery that covers poor Ireland.

The revenues of the rich in Ireland sometimes amount to sums that appear chimerical. In this country of misery, the rich man has made for himself a magnificent destiny: he possesses splendid castles, boundless domains, mountains, parks, forests, lakes, and he sometimes possesses them two or three times over.

Whilst millions of unhappy beings ask every day by what means they shall provide for their most imperious necessities, the rich man inquires by what art he can stimulate a passion in his cloyed soul, or awake the half-extinguished appetite of his pampered body. Does he wish to remove his person, wearied of itself, from one place to another? The finest roads, well able to rival those of England, are at his service. Luxury and riches travel, with all their comforts and all their ostentation, across the suffering and the misery of the country.

Such is Ireland, which was created rich! To see Ireland happy, you must carefully select your point of view, look for some narrow isolated spot, and shut your eyes to all the objects that surround it; but wretched Ireland, on the contrary, bursts upon your view everywhere.

Misery, naked and famishing, that misery which

is vagrant, idle, and mendicant, covers the entire country; it shows itself everywhere, and at every hour of the day; it is the first thing you see when you land on the Irish coast, and from that moment it ceases not to be present to your view; sometimes under the aspect of the diseased displaying his sores, sometimes under the form of the pauper scarcely covered by his rags; it follows you everywhere, and besieges you incessantly; you hear its groans and cries in the distance; and if the voice does not excite profound pity, it importunes and terrifies you. This misery seems inherent to the soil, and one of its natural products; like some of those endemic scourges that pollute the atmosphere, it blights everything which approaches it, smites the rich man himself, who cannot, in the midst of his joys, separate himself from the miseries of the poor, and makes vain efforts to rid himself of the vermin which he has produced, and which cling to him.

The physical aspect of the country produces impressions not less saddening. Whilst the feudal castle, after seven centuries, shows itself more rich and brilliant than at its birth, you see here and there wretched habitations mouldering into ruin, destined never to rise again. The number of ruins encountered in travelling through Ireland is perfectly astounding. I speak not of the pic-

turesque ruins produced by the lapse of ages, whose hoary antiquity adorns a country—such ruins still belong to rich Ireland, and are preserved with care as memorials of pride and monuments of antiquity—but I mean the premature ruins produced by misfortune, the wretched cabins abandoned by the miserable tenants, witnessing only to obscure misery, and generally exciting little interest or attention.

But I do not know which is the more sad to see—the abandoned dwelling, or that actually inhabited by the poor Irishman. Imagine four walls of dried mud, which the rain, as it falls, easily restores to its primitive condition; having for its roof a little straw or some sods, for its chimney a hole cut in the roof, or very frequently the door, through which alone the smoke finds an issue. One single apartment contains the father, mother, children, and sometimes a grandfather or grandmother; there is no furniture in this wretched hovel; a single bed of hay or straw serves for the entire family. Five or six half-naked children may be seen crouched near a miserable fire, the ashes of which cover a few potatoes, the sole nourishment of the family. In the midst of all lies a dirty pig, the only thriving inhabitant of the place, for he lives in filth. The presence of the pig in an Irish hovel may at

first seem an indication of misery; on the contrary, it is a sign of comparative comfort. Indigence is still more extreme in the hovel where no pig is to be found.

Not far from the cottage extends a little field of an acre or half an acre; it is planted with potatoes; stones heaped on each other, with rushes growing through the interstices, serve it for a fence.

This dwelling is very miserable, still it is not that of the pauper, properly so called; I have just described the dwelling of the Irish farmer and agricultural labourer.

I have already said that there are no small proprietors under the great, and that below the opulent there are none but the poor: but these are wretched in various degrees, and with shades of difference, which I shall endeavour to indicate.

All being poor, the only food they use is the cheapest in the country—potatoes;[7] but all do not consume the same quantity: some, and they are the privileged class, eat potatoes three times a day; others, less fortunate, twice; those in a state of indigence only once; there are some still more destitute, who remain one or even two days without receiving the slightest nourishment.[8]

This life of fasting is cruel, but nevertheless it must be endured under the penalty of still greater evils. He who eats a meal too much,

or fasts once too little, is sure to have no clothes; and moreover, this prudence and resignation to suffering are often unavailing.[9]

Whatever may be the courage of the poor peasant to endure hunger in order to meet other demands, he is in general naked or covered with rags handed down in the family from generation to generation.[10]

In many poor hovels there is often only one complete suit between two individuals; and hence the priest of the parish is almost always compelled to say several masses on the Sunday. When one of the family has heard an early mass, he returns home, strips off his clothes, and gives them to the other, who goes then to hear the second mass.

I have seen the Indian in his forests, and the negro in his chains, and thought, as I contemplated their pitiable condition, that I saw the very extreme of human wretchedness; but I did not then know the condition of unfortunate Ireland. Like the Indian, the Irishman is poor and naked; but he lives in the midst of a society where luxury is eagerly sought, and where wealth is honoured. Like the Indian, he is destitute of the physical comforts which human industry and the commerce of nations procure; but he sees a part of his fellows enjoying the comforts to which he cannot

aspire. In the midst of his greatest distress, the Indian preserves a certain independence, which has its dignity and its charms. Though indigent and famished, he is still free in his deserts, and the sense of this liberty alleviates many of his sufferings: the Irishman undergoes the same destitution without possessing the same liberty; he is subject to rules and restrictions of every sort: he is dying of hunger, and restrained by law; a sad condition, which unites all the vices of civilisation to all those of savage life. Without doubt, the Irishman who is about to break his chains, and has faith in futurity, is not quite so much to be bewailed as the Indian or the slave. Still, at the present day, he has neither the liberty of the savage nor the bread of servitude.

I will not undertake to describe all the circumstances and all the phases of Irish misery; from the condition of the poor farmer, who starves himself that his children may have something to eat, down to the labourer, who, less miserable but more degraded, has recourse to mendicancy—from resigned indigence, which is silent in the midst of its sufferings, and sacrifices to that which revolts, and in its violence proceeds to crime.

Irish poverty has a special and exceptional

character, which renders its definition difficult, because it can be compared with no other indigence. Irish misery forms a type by itself, of which neither the model nor the imitation can be found anywhere else.

In all countries, more or less, paupers may be discovered; but an entire nation of paupers is what never was seen until it was shown in Ireland. To explain the social condition of such a country, it would be only necessary to recount its miseries and its sufferings; the history of the poor is the history of Ireland.

It is necessary to renounce all the notions which in other countries serve to distinguish comfort from poverty, in order to comprehend Irish misery. We are accustomed to call those paupers, who are out of work and driven to beggary. There is not an Irish peasant that abstains from beggary, who is not in want of such a resource. It is impossible to compare the Irish pauper with the pauper of any other country. The independent labourer cannot even be compared with the pauper of England. There is no doubt that the most miserable of English paupers is better fed and clothed than the most prosperous of Irish labourers.

There are sad theories, according to which there is a pretty nearly equal sum of happiness and

misery, of comfort and of suffering, in every country; whence it has been inferred, that it is idle to take any thought about evils which man can neither alleviate nor remove. Those who hold such discouraging language, have doubtless never seen the United States nor Ireland; they neither know the country where misery is the common rule, nor the land in which destitution is the exception.

The misery of Ireland descends to degrees unknown elsewhere. The condition which in that country is deemed superior to poverty, would in any other be regarded as a state of frightful distress; the miserable classes in France, whose lot we justly deplore, would in Ireland form a privileged class. And these miseries of the Irish population are not rare accidents; nearly all are permanent, and those which are not permanent are periodic.

Every year, nearly at the same season, the commencement of a famine is announced in Ireland, its progress, its ravages, its decline.

In the month of February, 1838, the French press registered this annual cry of Irish misery, and told the number of persons who, in a single month, had perished by famine. Whether through selfishness or humanity, many persons flattered themselves that the accounts of Irish indigence were exaggerated; and the word *famine*, employed

to describe the misery of Ireland, appeared to them a metaphorical expression for great distress, and not the exact term to express the state of human beings *really* famishing and perishing from sheer want of food.

It was in England, especially, that persons were pleased to keep themselves in this state of doubt, from which, however, they could be relieved without much difficulty.

In 1727, that is, rather more than a hundred years ago, Primate Boulter, who was the principal agent of the English government, thus wrote from Ireland (to the Duke of Newcastle.)

"Since my arrival in this country (in 1725) famine has not ceased among the poor. There was such a dearth of grain last year, that thousands of families were obliged to quit their dwellings to look for support elsewhere; *many hundreds perished.*"[11]

When Bishop Doyle was asked, in 1832, what was the state of the population in the west, he replied, "The people are perishing as usual."[12]

In 1817, fevers produced by indigence and famine attacked one million five hundred thousand individuals, of whom sixty-five thousand perished;[13] and it was calculated in 1826, that twenty thousand persons were attacked by disease arising from the use of bad food.[14]

During the important inquiry into the social condition of Ireland, made by the British government in 1835, the following question was addressed by the commissioners to their correspondents in every parish.

"Have you known of any deaths in your parish, during the last three years, arising from urgent want?"

This inquiry established a multitude of deaths, occasioned solely by sheer destitution. Here were wretches manifestly killed by famine, there miserable beings whose end was hastened by misfortune. The former sank from long exhaustion, the latter were victims to famine and disease together [15]

It would be a painful task to go through this immense report, which extends to ten folio volumes, some of which contain nine hundred pages, every page, line, and word of which establish Irish misery, but where, nevertheless, all the miseries of Ireland are not reported.

The commissioners entrusted with this inquiry calculate that there are in Ireland nearly three millions of individuals who are subject every year to the chances of absolute destitution. These three millions are not only poor, they are indigent.[16] Besides the three millions of paupers, there are

millions of unhappy beings, who, as they do not die of famine, are not counted.

The author of this book, to whom such evidence ought to have sufficed, still was anxious to see with his own eyes what his reason hesitated to believe. Twice, in 1835 and 1837, whilst travelling through Ireland, he visited the counties where famine is accustomed to rage with most violence, and he verified the facts. Shall he relate what he saw?—No. There are misfortunes so far beyond the pale of humanity, that human language has no words to represent them. Besides, were he to recal the scenes of sadness and desolation he has witnessed;—to repeat the howlings and yells of despair he has heard;—were he required to relate the anguishing tone of a mother's voice refusing a portion of food to her famishing children;—and if, in the midst of such extreme misery, he were required to portray the insulting opulence which the rich ostentatiously displayed to all eyes;—the immensity of those demesnes where the hand of man has created artificial waters, vales, and hills;—the magnificence of the lordly palace sustained by columns of the finest marble from Greece or Italy, and which the gold of America, the silks of France, and the tissues of India, vie to decorate;—the splendid residence designed for servants, the still more superb building

destined for horses;—all the wonders of art, all the inventions of industry, and all the caprices of vanity, accumulated on a spot where the owner does not even deign to reside, but makes his visits "few and far between;"—the sumptuous and indolent life of the wealthy landlord, who knows nothing of the misery of which he is the author;—never has glanced at it;—does not believe its existence;—draws from the sweat of the industrious poor his 20,000*l.* a year;—every one of whose senseless and superfluous luxuries represents the ruin or destitution of some unfortunate being;—who every day gives his dogs the food of a hundred families, and leaves those to perish by hunger who support him in this life of luxury and pride;—if the author of this book were required to recal the sinister impressions produced by such contrasts, and the terrible question which such appositions raised in his soul, he feels that the pen would fall from his hands, and that he would not have courage to complete the task which he has undertaken to accomplish.

CHAPTER II.

A BAD ARISTOCRACY IS THE PRIMARY CAUSE OF ALL THE EVILS OF IRELAND.—THE FAULTS OF THIS ARISTOCRACY ARE, THAT IT IS ENGLISH AND PROTESTANT.

We have just seen how wretched is the condition of Ireland. The first anxiety felt at the aspect of such misery is to discover its cause; and this anxiety is the greater, because, in order to remedy an evil, it is necessary to know its origin and nature.

Let us begin, then, by declaring the cause of the ill; we shall afterwards seek the remedy.

It is impossible to observe Ireland attentively, to study its history and its revolutions, to consider its habits, and analyse its laws, without recognising that its misfortunes, to which so many sad accidents and fatal circumstances have contributed, had, and still have, one principal cause,—a cause primary, permanent, radical, which predominates over all others,—and this cause is *a bad aristocracy*.

All aristocracies founded on conquest and on

inequality, doubtless contain many inherent vices, but all do not possess the same, nor in equal number.

Suppose conquerors, who, after the first convulsions of the conquest, were fast endeavouring to efface the memory of it, by mingling with the conquered people, assuming their language, adopting a portion of their habits, appropriating to themselves most of their laws, and practising the same forms of religious worship; suppose that these conquerors, formed into a feudal society, having to struggle against powerful and tyrannical kings, sought an auxiliary in the conquered population; and that afterwards, united by the bonds of mutual interest, the conquerors and conquered blended their cause in struggling against the common enemy; suppose that these struggles lasted during several centuries, and that the lords in their quarrels with the kings never failed to make stipulations in favour of the rights of the people whenever they conquered privileges for themselves; finally, suppose that these conquerors, after having thrown the violence of the conquest into oblivion by a rapid fusion with the vanquished, continually laboured to redeem the injustice of their privileges by the benefits of patronage; that, superior in rank, wealth, and political power, they incessantly showed themselves equally superior in talents and virtue; that

taking in hand the affairs of the people, they mingled in all their assemblies, discussed all their interests, directed all their enterprises, sacrificed half their revenues to banish poverty from their domains, gave instruction to one, capital to another, enlightened, charitable, and benevolent support to all;—that, placed at the head of a commercial society, they admirably comprehended genius and its requirements, gave it, with the freedom of industry, all the civil and political liberties which are the soul of that freedom; and in order to procure for that society a magnificent destiny, they opened for it the markets of the entire world, established for it flourishing colonies, founded for it colossal empires in India, rendered its vessels sovereign on every sea, and made the nations of the earth its tributaries; and that, finally, after having opened all the paths of fortune to commercial industry, these same men, throwing down the barrier which separated them from the *prolétaire*, should say to the latter, "Get rich, and you may become a lord:" without doubt, such an aristocracy may conceal within itself many germs of oppression, and more than one principle of ruin; still it is easy to comprehend how such an aristocracy may for a long time maintain itself in strength and prosperity, and that even succeeding to a conquest, and charged with all the injustice of feudal pri-

vilege, it may give to the country it holds under its sway the illusion, if not the absolute reality, of a just and national government. It is easy to conceive the long and brilliant rule of the English aristocracy.

Suppose, on the contrary, conquerors who, instead of arresting the violent outrages of conquest, should lend all their efforts to the perpetuation of them—should open a hundred times the wounds of the conquered country—instead of uniting with the vanquished, should force them to keep separate—refuse to adopt their laws or impart their own—suppose this conquering race to preserve its language, its habits, and to erect an insurmountable barrier between itself and its subjects, by declaring it a kind of high treason to celebrate a marriage between the descendants of the victors and the offspring of the vanquished; suppose that having been thus constituted in the face of the conquered people, as a faction distinct by race and power, the conquerors are still further separated by a deeper cause, difference of religion; that not content with having deprived a people of national existence, they should endeavour to wrest from it its creed;—that having spent centuries in despoiling it of its political independence, they should pass a second series of centuries in disputing its religious faith; suppose that these conquerors, political tyrants, despising the conquered

nation because of its race, hating it because of its creed, should be placed in such an extraordinary position that it has no interest in the protection of the people, and no peril in their oppression;—it may well be conceived, that an aristocracy composed of such elements could only produce selfishness, violence, and injustice on one side—hatred, resistance, degradation, and misery on the other. Such is the picture of the aristocracy of Ireland.

The English aristocracy, clever and national as it is, would not perhaps have been able to maintain itself, if, while it concealed its defects by splendid virtues, it had not been protected by fortunate accidents.

Subject like all aristocracies, whose principle is privilege to employ its strength for the promotion of selfish interests, it has carried to excess the resources by which it is supported, and disproportionately concentrated in its hands the property of the soil, which has become the monopoly of a very small number; the landed proprietors of England form so small a minority compared to the non-proprietors, that landed property might be placed in peril, if it were a desirable object in the eyes of the people.

But, by a fortunate event rather than any result of wise policy, the soil of England has not hitherto excited the envy of the lower classes; the English people leaves its aristocracy the monopoly of

the land, so long as it resigns to them the monopoly of industry. The immense estates of a peer excite no unpleasant feeling in the mind of a merchant to whom the commerce of the whole world presents an unlimited arena, and who thinks that if he makes a great fortune, he may perhaps some day obtain the estates of a lord with the title and honours.

The English agriculturist cares little about a political system whose effect is to drive the peasantry from the country into the towns, when this labourer, removed from the soil, finds in the factory equally regular work, and much better pay. This, we must confess, is the great guarantee of the English aristocracy, a frail and feeble guarantee, which will only last so long as English industry will supply the world with its products.

The Irish aristocracy, full of defects from which that of England is free, far from being aided like it by favourable circumstances, has to struggle against pernicious accidents.

It is a fatal chance for the Irish aristocracy that has placed Ireland in such close proximity to England; for this aristocracy has never ceased to be English in heart and almost in interest. Here is the cause why the aristocracy has always resided, and at the present day resides, more in England than in Ireland; and this material fact, which most frequently divides it from the people subjected to its

sway, is in its case the source of the evil most fatal to every aristocracy, which really exists only on the condition of governing. It is common to hear all the evils of Ireland attributed to absenteeism, but this is to mistake a consequence of the evil for the evil itself. The aristocracy of Ireland is not bad because it is absentee; it is absentee because it is bad, because nothing attaches it to the country, because it is retained there by no sympathy. Why should it, loving neither the country nor the people, remain in Ireland, when it has England near, inviting it by the charms of more elegant and refined society, which attract it back to its original country?

In general, every aristocracy contains within itself the corrective which tempers, if it does not arrest, its aberrations and its selfishness. It usually happens, that the very class which does not love the people fears them, or at least has need of them; it then performs from calculation what it would not do from sympathy. It does not oppress too far, through fear of revolt; it spares the national strength from which it derives profit; it may even happen that it appears generous when it is only clear-sighted and interested.

The Irish aristocracy has always had the misfortune of fearing nothing, and hoping nothing, from the people subject to its yoke; supported by Eng-

land; whose soldiers have always been placed at its disposal, it has been enabled to give itself up to tyranny without reserve: the groans, the complaints, the menaces of the people have never tempered its oppressions, because popular clamour had for it no terrors. Did insurrections break forth in Ireland? The aristocracy of the country never stirred; it was English artillery that subdued the insurgents; and when everything was restored to order, the aristocracy continued to receive the revenue of its lands as before.

The Irish aristocracy has exercised an empire of which no other country furnishes an example; during six centuries it has reigned in Ireland, under the authority of England, which abandoned to that body half the advantages of its dominion, and spared it all the expense. Furnished with rights, privileges, and constitutional guarantees, it has employed all these instruments of freedom to practise oppression; Ireland has thus been constantly the prey of two tyrannies, the more dangerous as they mutually protected each other. The Irish aristocracy, regarding itself as the agent of England, for that reason granted itself absolution for all its excesses and all its personal injustice; and England, whose rights this aristocracy exercised, was contented to throw upon that body the blame of any abuse of its power.

There are few countries in which the governors have not an interest, greater or less, in inducing the people subject to their laws to cultivate the arts of industry and commerce. Of what use, in fact, would large revenues be to the rich man, unless they served to obtain the objects fit to render his life pleasant and comfortable? And how could he procure them if the people did not work? But it is an additional fatality of the Irish aristocracy that it is abundantly supplied with all the most precious productions of art and commerce, though no industrial employment exists in Ireland; it has ready to its hand the products of English industry to satisfy its wants and caprices, as well as armed regiments to ensure the payment of its rents. In order to possess comfort and elegance, it has no need of exciting the people to industrial labour. Commerce and industry are, nevertheless, the means by which the lower classes may escape from their misery. Thus, the people of Ireland, to whom the land is inaccessible, see in the hands of the aristocracy an immense privilege for which they possess no equivalent. Thus the asistocracy of Ireland, deficient in all the primary bases on which that of England rests, is also deprived of that condition of existence without which probably the English aristocracy could not sustain itself. It is immovable and closed. As a principle, its ranks

are open to all, but, in fact, access to them is nearly impossible; to enter them, it is necessary to become rich; but what means are there of becoming rich in a country where commerce and industry are dead? So that this aristocracy, motionless in its wealth, living on the life of others, has for its support a population also motionless in its misery: in Ireland, poverty is a caste. Finally, this aristocracy, attached by no natural sentiment to the people, has the misfortune to be further removed from it by difference of creed.

Religious sympathy is, beyond contradiction, the most powerful tie that unites men together; it has not only the power of bringing nations together, but, what is still more difficult, of mingling classes and ranks, raising the most humble to the level of the most proud, mingling the rich and the poor; it is religion that invests alms with the dignity of christian charity, and which, stripping the benefit of its pride, renders the bestower and the recipient both equal. But, in the absence of religious sympathy, what is there to unite the rich and the poor, the Englishman and the Irishman, the race of the conquerors and that of the vanquished? What power shall bring them together when religion herself separates them? And in a country where all the laws are made against the poor for the profit of the rich, what will be the result if religion, instead

of checking the powerful, actually fortifies it, and, instead of supporting the feeble, crushes him to the earth?

The Irish aristocracy has two inherent vices, which include all others; it is *English* by origin, and has never ceased to be thus alien: it became *Protestant*, and has had to govern a people that remained Catholic.

These two vices contain the principle of all the evils of Ireland; in them are the key to all its miseries, and all its embarrassments: if this starting point be attentively considered, all the extraordinary circumstances, whose causes will be vainly sought elsewhere, will be found to flow from it as natural consequences. These consequences are of three sorts; the first, which we may call civil, because they relate to habits and manners; the second political, because they concern institutions; the third religious, because they arise from difference of creeds. The first more especially affect the relations between rich and poor, between landlord and tenant; the second, the reciprocal relations between the governors and the governed; and the third, the mutual position of Catholics and Protestants.

SECTION I.

CIVIL CONSEQUENCES.

SUBSECTION I.—*Extreme misery of the farmers —Accumulation of the population on the soil — Absenteeism — Middlemen — Rack-rents — Want of sympathy between landlord and tenant.*

In England and Ireland the lower classes cultivate the soil under the same title—they either take a farm from the rich man, or hire out to him their daily labour.[1] Theoretically, their condition is the same in both countries. Whence does it arise that in reality their lot is so dissimilar? Why is the one as happy as the other is miserable? How does it happen that the first is well lodged, well clothed, well fed, surrounded by a family prosperous like himself, living in comfort and contentment, scarcely imagining a lot more fortunate than his own; whilst the other, covered with rags, lives on potatoes when he is not forced to fast, has no other shelter than the filthy hovel which he shares with his pig, and sees during the winter his poor children perishing from cold, without being able to

clothe them, and hears during the whole year their cries of hunger which he cannot appease?

It is because that in England the large proprietor is the patron of the soil and its inhabitants; he does not limit himself to receiving his rents and claiming his rights; he also fulfils his duties, and believes that he is bound to return a portion of what he receives. And in the first place, engaging, in some sort, his fortune in the land that he possesses, he invests in it considerable capital. See what a residence he prepares for his tenant. It is composed of several buildings; nothing is wanting to render the life of the resident pleasant and comfortable: it is the centre of an extensive culture; round it extend vast domains that depend on it; the best agricultural implements are there waiting for the hand that is to employ them. After he has formed this great farm, he keeps an eye on its fortune. Watching the efforts of his tenants, he rejoices in his success, and compassionates his reverses; and by a sympathy as enlightened as it is generous, he soothes the misfortunes which, if they remained unredressed, would prove injurious to himself. He is not always liberal, but he is rarely destitute of intelligence. Thus the relations between landlord and tenant have for their primary base the wisdom or the benevolence

of the one, whence naturally arise the deference and respect of the other.

Matters are not managed in this way in Ireland. The proprietor, as we have said, is often an absentee; it often happens that he is unacquainted with his own estates; he knows vaguely that he possesses some hundred, or hundred and fifty thousand acres in the county of Cork or Donegal; that it is bounded on one side by the sea, and on the other by the loftiest mountain perceptible in the horizon. Desirous of deriving from these possessions the greatest profit possible, he is also resolved not to spend a single farthing in improving their value. He or his ancestors obtained this vast tract by confiscation; who knows but some new revolution may take away what the preceding revolution has thrown into his family? This reasoning of the absent proprietor is very nearly repeated by the resident landlord; for though he touches the soil, he rarely takes root in it, and Ireland is not the country to which he believes that his cares and sacrifices are due.—Thus a large proprietor in Ireland generally aims at managing his estate without any expenditure of capital; that *is* to say, he expects to reap without having sowed. But how is he to obtain the smallest profit without some preliminary expense?—Here is the way in which he solves the problem. He gives up the

rental of his domain to an agent, either for a round sum at once, or an annual payment, of which the amount is secured by penalty of forfeiture. This undertaker, a rich capitalist, residing either in London or Dublin, does not take Irish land to turn farmer, but he takes it on lease as a matter of speculation; and when the bargain is concluded, he aspires only to transmitting the culture of the land to another, on condition of his being insured a beneficial interest. It is then usual to divide the estate into a certain number of lots of a hundred, five hundred, or a thousand acres, which he farms out to secondary agents, called *Middlemen*. Sometimes the resident proprietor makes this division of his estate himself, which he lets out to the secondary agents.

But how will these agents of the first or second degree derive profit from the land they take on lease? Will each establish a large farm?—If he did so, he would have to risk a large capital. Now, how could an agent have more confidence in the land than the lord of the soil himself?—What then does he do?—He establishes no farms on the land he has taken, small or great; he in general limits himself to manuring the surface. When this work is done, he subdivides his lot, (on what is called in Ireland the *cornacre system*,) and lets it out at the highest rent he can get, in

parcels of five, ten, and twenty, acres to the poor peasants of the country, the only persons who take ground with the intention of cultivating it; that is to say, on the most moderate advance of capital he expects to realise the highest profit.

But how will all these petty agriculturists cultivate the land they have taken? Where will they establish themselves? Will the proprietor or agent take care to erect a dwelling on each of the small allotments?—Assuredly not: this building would require capital, which no one is inclined to advance. The land is then given to them entirely naked;—but where are they to lodge? They build for themselves a shapeless mass of mud, wood, and straw, which they call their cabin! At least, do they find any agricultural implements at their disposal? Not one; they are left to procure them the best way they can.

Thus, in England, the landed proprietor furnishes his tenant with a house and agricultural implements. In Ireland, the poor man who takes a "bit of ground," must build his own dwelling, and find all his own farming implements.

It may be asked, when the rich do not supply capital, how is the poor peasant to procure it? It must be answered, that for the most part he does not obtain it, and that he only applies brute force to an enterprise for the success of which capital

would be necessary. He cultivates badly, because the means of cultivation are wanting. Now, how can he, cultivating badly, pay the exorbitant rents demanded by the proprietor, the middleman, and the subordinate tenants? For it is the poor tiller of the ground who must bear the weight of all the successive engagements of which the land has been the object. The chief proprietor, who leases his land to an undertaker, receives from him a sum of money, which he gets back again with profit from the inferior middlemen; and these again, subletting to small farmers, not only receive what they have paid the undertaker, but realise a profit-rent; so that the actual tillers of the soil have to pay a rent in the first place, equivalent to the sum which the undertaker pays the proprietor, and to which must be added the profits of the undertaker, and the beneficial interest of all the intermediate rates. It is in vain that the poor agriculturists of Ireland labour to satisfy all these interests, and at the same time to derive from the land a sufficiency for the sustenance of themselves and families. However fruitful the land of Ireland may be, it cannot give all that is required of it; incessantly, in spite of all his efforts and his labours, the poor Irish peasant finds it impossible to pay his rents. What then happens? The middleman or the proprietor ejects him from his land, seizes his few moveables, and

sells them by auction. And what becomes of the peasant, whose entire crime is having attempted an impossibility? As no other branch of industry is open to him but the land, he goes to seek a small farm elsewhere, and until he finds it, he, his wife, and children, beg or starve.

Here is doubtless a great misery, which appears particularly enormous when viewed in contrast with the comfort and prosperity of English farmers. But it would be a great mistake to attribute the entire to undertakers, agents, and middlemen. These middlemen are an effect, and not a cause. Assuredly they are an evil,[3] and nothing can be imagined more disastrous than these successive transactions, of which the first effect is to give up the soil to speculators who feel no interest in the property, and take the culture of a farm as a temporary employment; and of which the no less immediate consequence is, to place between the proprietors and tillers of the soil three or four traffickers, who only come upon the land for hire. But who is the real author of this evil? Is it not he who, in his indifference for the country and those who cover it, has delivered the soil and its inhabitants into alien and avaricious hands?

Whether the Irish agriculturists have to deal with the owner of the soil, or his agent, there is no difference in their condition. They find no

sympathy in one or the other; the same spirit of cupidity animates both, the same selfishness hardens and blinds them; both have only one object—to get the highest rent out of the land they can. The moral and physical condition of the tenant is equally indifferent to both. They feel and display the same insensibility in presence of his prosperous efforts or barren toils, his successes or his reverses; the man occupies their ground, but still is to them as a stranger. Provided he pays, it is all they require. Thus, when they see him weak and broken down, they leave him in his distress, and turn away their eyes; they only come to ask him for the rent that has fallen due; or if, by any accident, relations are established between the landlord and the tenant—if, by any chance, the latter works for the former, or sells him any article, it is certain that the landlord will take a gross and unfair advantage of the poor agriculturist's simplicity, and that the latter will always be the dupe in the bargain.*

And of what importance are these miseries of the wretched peasant to the middleman, who only sees them in his hasty transit, and who will fly the country of the miserable beings he has tortured so soon as he has made his fortune. "What do you want with me?" the proprietor exclaims at the sight of these frightful evils; "I have ceded my

rights to my agents, who must exercise them as they please." But most frequently the proprietor does not pronounce these words of regret, for he does not see the misery of which he is the author. Secluded in his mansion in London, he does not hear the cries of despair which issue from the Irish cabin; under the pure and serene sky of Italy, he knows not that a storm in Ireland has destroyed the poor man's harvest; he knows not at Naples that, for want of a genial sun, the fruits of the earth have failed in cold Hibernia: if, by any unexpected event, the poor peasants that cover his estate have fallen into distress, he is ignorant whether any unexpected blow of fortune has struck down the wretches, such as a long sickness of the head of the family, or the loss of agricultural cattle; he knows none of these things, and it would be inconvenient for him to know them. What he knows well is, that £20,000 are annually due to him from his Irish estates; that his mode of life is regulated by the amount; that this sum must be paid at every term; and that if the payment were delayed for a single day, it would trouble the order of his habits and the arrangement of his pleasures.

Besides, whether he manages his affairs personally or by agents, whether he is absentee or resident, you may be well assured that the proprietor who has no "bowels of compassion" for the country, and for whom his country has no voice;

who does not regard as fellow-citizens the peasants by whom his land is cultivated, will never be beneficent to the soil or its inhabitants. This is a starting-point of which sight is constantly lost, but which must be kept steadily in view, unless we wish to go astray.

Nothing is more common than to attribute the misery of the Irish peasant to defects in the agricultural systems practised in Ireland. If we believe some, the leases are too long, which destroys the proprietor's interest and care of his property; according to another, leases are too short; their brief duration renders the farmer's condition precarious; the evil, says a third, arises from there being no leases, which places the tenant completely at the mercy of his landlord.

There is no disputing the pernicious or beneficent effect that different systems of agriculture may exercise on the fortune of the proprietor and the condition of the tenant; but what is not less certain is, that, under the best agricultural management, the farmer's lot may be miserable, whilst, in spite of the most defective method, his condition may be enviable and prosperous. I have seen counties in England and Scotland where leases are long, and others where they are short; I have even seen some where the land is held by tenants at will; but I have not remarked that these diversities in the form of engagement, which doubtless have some

influence on agricultural produce, modify to any extent the condition of the farmer, which I have found everywhere uniformly prosperous.

Whatever may be the terms of the law between landlord and tenant,—whatever the text of the contract by which they are united,—whatever attention may be bestowed in assuring to the poor agriculturist rights, sureties, and guarantees, — the *letter* of the engagement will always be barren, unless the *spirit* give it life. Now the spirit, the soul of the obligations by which a landlord is bound to his tenants, is *good-will*—the only shield of the feeble against the strong, of the poor against the rich. The abstract right will be more cruel than the sympathy. No law, however liberal, can supply the place of absent charity; and there is no law so cruel as not to be alleviated by charity; this is the reason why the poor Irish peasant, who finds in his landlord neither kindness nor pity, is so miserable.

Subsection II.

Competition for land — Whiteboyism — Social evils—Inutility of coercive measures—Terror in the country — Disappearance of landlords and capitals.

We have just seen how, by the effect of the selfishness or carelessness of the rich, the land in Ireland is

covered with a number of petty cultivators, between whom it is divided into portions of five, ten, or twenty acres. If it be asked, how it was possible to find such a number of agriculturists, I would reply, that it is easy to lead all the inhabitants of a country to tillage where there absolutely exists no other form of industry. It was doubtless at first a great advantage to the proprietor to find such a multitude of petty farmers at his disposal; for without them, he could not obtain any profit from his estates, unless he made an outlay of capital which he was unwilling to risk.

However, a time came when all these lands were occupied; and this was not long in coming, for all the Catholic population, excluded from public employments, liberal professions,[1] prohibited from becoming proprietors, incapable through poverty of engaging in commerce or manufacture, even if it had not been prevented by the political condition of the country, having absolutely no career open but that of farming,—this population, I say, precipitated itself on the offered land, and overwhelmed it as the overflow of a torrent soon covers a vast plain with its waters.

But in a country where the land is the sole means of existence, what is the fate of those to whom land is wanting? What becomes of an ejected tenant, if he can find a farm nowhere else?

What is to become of his children? Here is a little plot on which a poor peasant procured a moderate subsistence; he has five children, (an inconsiderable number in an Irish family;) his only thought and his only ambition is to find a farm for each; but he cannot succeed, because all the farms are occupied. What then is to become of his children? Observe that the question is rigorously put, for tillage, as I said before, is the only resource, the only available employment, to an Irishman; and yet the land fails him; nevertheless, employment is most wanting to the poor in a country where the rich possess no charity. The peasant must possess a plot of ground, or starve.

This is the secret of that extraordinary rivalry of which land is the object in Ireland. The land in the country resembles a fortress eternally besieged and defended with indefatigable ardour; there is no safety unless within its precincts; he who makes good his entrance, leads a life of labour, privation, and peril, but still he lives; he holds fast to the rampart—he clings to it; and in order to remove him, it is necessary to tear him limb from limb. The condition of the unfortunate being who has failed in attaining this object is lamentable; for, unless he yields himself to starvation, he must either beg or rob.

What is the consequence? The farmer who is

anxious to ensure the existence of his family, has no resource but to subdivide his little farm into as many parts as he has children; each of them, then, possesses four or five acres, instead of the twenty which the father held, and several mud cabins are built on the farm instead of one. The son has children himself; he must do for them just what his father did; and thus, from generation to generation, this fractional division at length reaches a half or even a quarter of an acre for each family, and the occupant of the soil finds it physically impossible to live on so restricted a portion. This is the reason why, at the present day, three or four hundred cottiers are found crowded and living miserably on some domain which formerly contained a very small number.[2] In spite of this accumulation, it often happens that a time comes when space is physically wanting, and a certain quantity of those born on the ground must quit it.

They remove from the land, and nevertheless the land alone can support them. What follows? That the number of farmers being greater than the number of farms, the competition immeasurably raises the rents. The Irish peasant must have an acre or half an acre of ground, or die; he must have it at any price, or on any conditions, however severe they may be. The reasonable rent of this acre would be four pounds; I offer the landlord

double; another offers ten pounds; I raise my bidding to twenty; the land is adjudged to me; at the rent-day I will not be able to pay;—what matter?—I shall have lived, or tried to live, for a whole year.

Thus he who already pays an exorbitant rent, is obliged by competition, in order to keep his farm, to pay a still higher sum.[3] To be sure, he is free to refuse any increase of rent; but a two-edged sword is suspended above his head; if he resists the demand of the landlord, he is ejected from his farm; if he submits to the severe conditions, it is nearly certain that he will be unable to fulfil his rash engagements, and that he will soon be dismissed by the landlord, perhaps at the instigation of some other competitor. After all, the worse condition is to quit the ground in a country where ground is the only means of livelihood; he remains then on his farm—consents to everything; he knows that scarcely one in a thousand succeeds in such an enterprise, and he resigns himself to the chances of this cruel lottery.

The competition of the farmers perhaps raises rents higher than the avidity of the landlord or the middleman. A worse condition cannot be imagined than that of all these poor labourers vegetating on the ground, clinging to it like vermin, and adding to their misery by their supernatural efforts

to overcome it. This misery is augmented in the exact proportion of the increase of population,* until there are, in our day, two million six hundred thousand paupers; that is to say, two million six hundred thousand persons destitute of land, or having too small a portion of land for their support.[5]

This lamentable condition of the farmer is not profitable to the landlord; he or his agent, deceived at first by the promises of the competitors, soon discovers the falsehood; he receives but little from the land thus highly rented, and he is disgusted by rigorous proceedings, in which his profits are swallowed by the legal expenses; he discovers that by ruining his tenants he has not enriched himself. Sometimes he says, "All the mischief has risen from this accumulation of cottiers, who devour the soil instead of fertilising it. The evil would cease if a few large farms were substituted for this multitude of small holdings; this is the agricultural system in England and Scotland; the time is favourable for imitating it in Ireland; the age of revolutions is gone, their remembrance is effaced; the soil, once so precarious, is now secure; capital may with safety be invested in land."[6]

His plan is then fixed; he is about to substitute some large farms for a multitude of small holdings; but how is this end to be attained? By ejecting

the cottiers that cover his land, and proceeding to a new distribution of property; that is to say, after having made use of the cottier tenants during the period when from want of capital he had need of them, he casts them off at the moment when the return of capital affords him the means of establishing a more lucrative means of cultivation. But what is to become of the two or three hundred peasants who in one day receive an order to quit their cabins? The blow is fatal. For here it is necessary to observe, that this is no common removal; usually the outgoing tenant succeeds some one else—here hundreds of peasants depart, two or three only remain, no one comes in; so that three hundred desperate wretches are created by a single blow, whose removal does not open any opportunity for the relief of other unfortunates.[7]

We can now see what contrary interests and what different passions control the possession of land in Ireland. The order to quit being given to the poor tenant, he resists it; this order is to him a sentence of death; he sees rising before him the hideous spectre of hunger, which is ready to seize upon him, his wife, and his children; he then contemplates the entire extent of his misfortunes, passes from grief to despondency, and from despondency to utter despair. Still one ray of hope comes to illumine his forehead: "If I went *to the master*," says he, "and showed him the misery

which overwhelms us—if he saw my wife pining with hunger, my children pale and famishing, surely he would feel for us, and would leave us our little cabin at least for a few days longer!" The wretch is mistaken—he throws himself at the feet of his master, he supplicates, he implores in vain; the rich in Ireland have no compassion for the poor. In that country, the poor man may preserve his pride, for he humbles himself unprofitably before the rich, who rejoice in his abasement without alleviating his misery. The poor peasant, harshly repulsed, regains his cabin in silence, brings back there an additional sorrow, and, struck with a misfortune too great to be combated and too great to be endured, crosses his arms and remains immovable. The proprietor then claims the assistance of the law, which at great cost pronounces sentence, by which the poor agriculturist is condemned to quit his land; the judgment triples the sum which the wretch before had to pay. He had been ejected for not being able to pay his rent; how is he now to raise three times that sum? He soon sees two constables appear, bearing a sentence in proper form, according to the tenor of which he must immediately leave the place; and at once these agents of public power begin by seizing every article which they can find in the cabin. It is very necessary that the lawyers, without whose aid jus-

tice cannot be had, should be paid for their trouble. All this is done amidst the most heart-rending cries, which burst forth from the cabin; imprecations are heard, which if they reached the ear of the rich man would mingle remorse with his pleasures: but, finally, justice takes its course—everything is seized and sealed in the farmer's dwelling; the bailiffs are its masters, the poor family is gone.[8] The constables disappear with their plunder. The next morning the farmer and his family are again in possession of the poor cabin; force alone removed them, they reappear when that force is withdrawn. They have been driven from their land, but since this land is their only means of subsistence, they must of sheer necessity return. The proprietor then takes the only means that can rid him of these obstinate wretches—he pulls down the cabin, and thus gets rid of its inhabitants.

These rigours accumulate, these cruelties are multiplied; the poor occupants of the soil are pursued from cottage to cottage, thrown with their families out on the public road, everywhere exposed to the same legal violence, to the same extremity of misfortune.[9]

Some day or other a voice is raised amongst these poor farmers, which exclaims—

"The earth alone supplies us with food, let us cling to it closely, and not quit it. The landlord or

agent bids us depart—let us stay. The courts of justice order it—still let us stay; an armed force is sent to compel us—let us resist it; let us oppose all our forces to an unjust force, and in order that the injustice should not reach us, let us enact the most terrible penalties against those by whom it is committed.

"Be it enacted,—

"That whoever shall attempt, directly or indirectly, to deprive us of our farms, shall be punished with death.

"That the landlord, middleman, or agent, who shall eject a tenant from his estate, shall be punished with death.

"That the landlord who demands a higher rent than that which we have fixed, shall be punished with death.

"That he who bids a higher rent for a farm, takes the place of an ejected tenant, purchases by auction or otherwise goods that have been distrained, shall be punished with death.

"Let us strike the culpable, not only in their persons, but in their dearest interests and affections; let not only their cattle be houghed, their houses burned, their land turned up, their harvests destroyed, but let their friends and relations be devoted to death, their wives and daughters to dishonour.[10]

"And as, in order to be strong, it is necessary that we should have arms, let us haste to seize the arms of which we have been deprived. Hitherto isolation has been our weakness; let us associate—let us solemnly engage to enforce our laws, and, in order that the engagement should be sacred and inviolable, let us give it the sanction of an oath—let us cover it with the veil of inviolable secrecy[11]—let us extend our confederation over the entire country—let whoever refuses to join us be regarded as an enemy, and treated as such; and, in order that our laws should not be idle commands, let us solemnly promise, that whichever of us shall be appointed to execute the punishment for a breach of our code, shall instantly obey and execute in all its rigour the prescribed sentence."

These are, doubtless, dreadful laws,—they are those of the Whiteboys,[12] an atrocious savage code, worthy of a semi-barbarous population, which, abandoned to itself, has no light to guide its efforts, finds no sympathy to assuage its passions, and is reduced to look to its rude instincts for the means of safety and protection.

Terror then spreads through the country; dangerous plots are formed in darkness; strange figures appear here and there; houses are attacked during the night; every one is obliged to fortify his dwelling;[13] but all resistance is vain—sometimes it

is necessary to give up arms, sometimes to take oaths. These are banditti of a singular kind; to obtain arms or vengeance, they commit all sorts of outrages, while they abstain from the gold and silver under their hands. A murder is committed; it is soon discovered that the victim is a proprietor whose tenant has been ejected the evening before.[14] The perpetrators have been seen, but no one in the country knows them, and everything proves that they have been brought from a distance to execute vengeance for another. A second similar crime is committed; it is the murder of a middleman who has seized his tenant's goods. The whole proprietary class is alarmed, an appeal is made to the laws, it issues its mandates, but no one points out the traces of the guilty; justice discovers them after an active search; they resist, she seizes them, but an insurrection rescues them from her hands; at length she seizes them again; the guilty are under lock and key. It is then necessary to search for witnesses; all who are summoned declare that they have seen nothing: one presents himself and tells the truth. Two days afterwards it is discovered that this witness has been assassinated. What is to be done? It is very necessary that justice should have its course. The witnesses do not appear. Well, they must be arrested and brought before justice by force; but there, they refuse to

give evidence. It is necessary to purchase their evidence. Their existence is menaced; it is necessary to protect them. How is this to be done? No one will give them an asylum. Well, they must be committed to gaol. But what reward will be sufficient to induce a witness to make a declaration which endangers his life, and the first effect of which is to deprive him of liberty? However high his price, he must be paid in full. But who will admit the sincerity of a witness under the double influence of the money which he receives, and the death which he dreads? Necessity, however, decides that he must be believed. But will not this witness, dismissed after the trial, be assassinated? No, he will leave the prison and leave Ireland at the same time. Thus, the condition of every witness for the prosecution in criminal affairs must be, to remain in prison until the trial, and afterwards go into exile. But what honest man will be a witness? Honest witnesses will be dispensed with—stern necessity demands it. But what honest man will act as judge? . . . . . Thus have we gone from consequence to consequence, until we have reached the sad alternative, that justice must either be powerless or immoral—must either acquit the accused for want of witnesses, or condemn by the aid of purchased witnesses. Finally, the verdict is given, the guilty man is sen-

tenced and put to death. The informer and the witness go into exile. Next day it is found that the brother of the informer, the mother or sister of the witness, have been assassinated.[15]

When you have reached this point, you may be well assured that all rigorous means to restore peace and order will be useless. In vain will you employ a Draconian code to repress atrocious outrages; in vain will you enact cruel laws to arrest the course of revolting excesses; in vain will you affix the penalty of death to minor crimes;[16] in vain, actuated by the terrors of weakness, will you suspend the ordinary course of law, and proclaim entire counties under the Insurrection Act;[17] in vain will you violate the principle of individual liberty,[18] create martial law and special commissions,[19] and, to produce a salutary impression of terror, multiply to excess capital executions.

All these rigours will be vain; instead of healing the wound, they will irritate it, and render it more painful and dangerous. The peasants who, in 1760, revolted against a bad social system, under the name of Whiteboys, renewed the insurrection some years after under the name of Oakboys; in 1772, under that of Steelboys;[20] in 1788 they were called Rightboys; at a later period they took the name of Rockites andri Clasts, subjects of Captain Rock and Lady Clare;[21] in 1806 they

called themselves the Thrashers; in 1811, 1815, 1820, 1821, 1823, and 1829, they resumed the name of Whiteboys; in 1831 they were Terry-Alts; in 1832, 1833, and 1837, Whitefeet and Blackfeet;[22] and under these various denominations you may see them actuated by the sense of the same miseries, committing the same acts of violence, followed by the same cruel means of repression, which have been always powerless.

All your vigorous measures to restore peace and order will be abortive, because the order you design to make supreme is actual discord; because the peace you wish to establish is violence and oppression. This violence, this oppression, this disorder, have produced a state of war; and this social war is not between the honest man and the malefactor, between the labourer and the idler, between the industrious man and the robber,—it is a war between the rich and the poor, between the master and the slave, between the proprietor and the cultivator; and this war has arisen because the selfishness of the rich has been carried to an excess which necessarily drove the poor to revolt.[23]

Now say what are the means to escape from this vicious circle? Here is an aristocracy that, either by its faults or its vices, has allowed such a mass of evil to accumulate in the country entrusted to its care, that the wretches on whom the burden

presses, shake it off from sheer inability to sustain it longer. There is no longer a social state: it is war—it is anarchy.

What is the consequence? Half of the resident gentry depart; many, not driven away by terror, remove from the aspect of such great evils, which it is not in their power to alleviate; the attempt at a remedy is no longer a feasible enterprise, and the sight of so much misery is especially dreadful to the compassionate: hence it follows, that those whose presence would be a blessing to the country, have not the courage to remain there.

Still there are some whom social war and its horrors do not drive from the land; but whilst they remain, they feel their hatred for a population already detested continually increase; and their severity continually adds to the distress of the people, and its thirst for vengeance.

Capital is wanting; the terror which reigns in the country, drives it farther away. Industry alone could raise from indigence the multitude of cottiers that contend for the land; and capital, without which no industry is possible, has fled from poor Ireland for ever.

Thus, the sources of Irish misery mutually increase, and reciprocally produce each other; all proceed from one common cause, and ascend in uninterrupted chains to the first link—a bad aristocracy.

Section II.

POLITICAL CONSEQUENCES.

But it is especially in the political institutions of Ireland that we incessantly discover traces of the fatal principle which has vitiated the aristocracy of that country.

Those who imagine that they can explain all the evils of Ireland by the despotism of England, fall into a great error, for this absolute despotism has never existed.

We have seen, in the Historical Introduction, how the conquerors of Ireland, having established a feudal society in the country, the only one of which men had any notion in those times, this society, by the mere fact of its institution, found itself in possession of rights, privileges, and franchises which England could not dispute.

We have seen how, after the conquest of Ireland, the English, wishing to introduce the reformed religion into the country, founded there a Protestant society, to which England could still less refuse the civil and political liberties already enjoyed by the feudal society.

Finally, we have seen how the native Irish, at first as a vanquished people, and afterwards as

Catholics, were excluded from the benefit of these institutions; in what manner this exclusion ceased, and how at present the laws of the country recognise no inequality founded on race or creed.

Dependent, then, as Ireland is upon England, she has always possessed her own free institutions.

It would be a great error to look upon Ireland as making with England one and the same people, subject to the same government and the same laws. We have seen, in the same Introduction, that Ireland has always had her own government and peculiar laws. Thus, Ireland not only possesses free institutions, but, though united to England, she has still her own peculiar institutions. These free and distinct institutions which Ireland preserves, seem exactly modelled from those of England.

Like England, Ireland is in possession of all the essential rights on which the civil and political liberties of nations rest, such as trial by jury, independence of the judges, responsibility of public functionaries, the right of petition, the right of union and association, individual liberty, freedom of the press, and such like.[1]

In both countries the organisation of the different political powers presents, at least externally, a perfectly similar though distinct aspect.

The supreme authority, which in England is vested in the sovereign, is in Ireland entrusted to the viceroy.

The government of which the viceroy is chief, employs in its executive similar instruments to those used by the English government.[2] With both nations there are connected with the central power four supreme courts of justice, which are, as it were, the soul and source of public power in countries where justice and administration are perpetually confounded; these are the courts of Chancery, Queen's Bench, Exchequer, and Common Pleas.

Both countries are equally divided into counties, over which the state preserves rather than exercises its sovereignty: and in both, the agents by which the central power displays its authority are the same. The principal representatives of the state in an Irish county are the lord lieutenant, the sheriff, and the justice of the peace.

In Ireland, as in England, there are within the state, but independent of the counties, a certain number of incorporated cities or boroughs which do not depend on the central government for their administration, because they have received the privilege of self-government: these are called municipal corporations.

Finally, in both countries, we find at the base of

the powers already mentioned, that of the parish; a power sovereign in its sphere, independent of all the rest, and which, in both nations, presents the same external structure.[3]

Not only is the political edifice, which appears to view, the same in England as in Ireland, but furthermore, the authorities are instituted on the same basis; they bear the same names; all are theoretically created for the same object; they exercise their power according to the same laws; they are nominally subject to the same rules, and restricted by the same limits. And in both countries, the aristocracy is the fundamental principle of all public power.

Whence, then, does it arise, that, with similar institutions, the two nations have had such different fortunes, and that one has fallen into a state of abasement and misery, with a form of government which has placed and kept the other at the summit of greatness and prosperity?

It is because that, though the form is important in political institutions, the spirit is still more important. Now the institutions of Ireland present to the eye the same body as those of England; what is wanting is the soul. The Protestant aristocracy, which in England is the very heart of all political powers, seems in Ireland to be their cancer.

Let any person examine the government of Ireland in all its parts successively, in the state, the county, the municipal corporation, and the parish, and he will find that the same original and permanent vice which corrupts civil society, carries the same corruption into political society; he will find that the same causes which poison the relations between rich and poor, landlord and tenant, do not less materially affect the mutual relations of the governors and the governed.

Subsection I.—The State.

Influence of the English and Protestant Aristocratic principle on the Powers of the State—Hatred of the People to the Laws—A public accuser in Ireland—The unanimity of the Jury in Ireland—Why Ireland has several official Institutions not found in England.

The Irish viceroy endeavours to reproduce the image of royalty; he holds a brilliant court in Dublin, the etiquette of which is regulated by that of London; he has two palaces, a splendid staff, and his salary, with the allowances, is about 30,000*l.* annually.[1]

The viceroy of Ireland, like the sovereign of England, has a privy council; he nominates to all

the public offices, which in England are in the gift of the sovereign; he has the same right of pardoning or commuting punishment; and he is equally invested with the singular power of suspending the law, under certain grave circumstances, at his discretion, for which he is responsible only to parliament.[2] The Irish viceroy possesses also some extraordinary powers which the sovereign has not in England, but which the peculiar circumstances of Ireland have rendered necessary to its first magistrate.[3]

Until 1800, Ireland had its own parliament, consisting of hereditary lords and elected commons; for it never enters into any Englishman's head that any human law could be framed unless by two houses, of which one should be called Commons, and the other Lords.

The legislative power of Ireland was, therefore, composed of three powers designed to balance each other, as in the English constitution. But is not the fundamental error of such an organisation, applied to Ireland, at once apparent? Is it not manifest, that these powers, instead of controlling, would mutually support each other, and that their harmony would not be a union of rival powers, but that of accomplices banded together for a single and common object, the enslavement of the people? In the days of the Tudors, the parliament did what

the viceroy pleased; after William III., the viceroy did what the parliament pleased. England had full confidence in the aristocracy of Ireland, and entrusted to it the entire government of the country. It might then be said, that the laws were made in full freedom by the two parliamentary bodies that represented Ireland, but who does not immediately see that such a system of representation was a falsehood?

Who does not at once comprehend the spirit in which laws were made by those lords who, English and Protestant by birth, were the natural enemies of Catholic Ireland; and by this house of commons, which, not less English and Protestant at heart, was in reality a mere creature of the lords, though it was presumed to be elected by the people?

No one could sit in either house, unless he gave proof of his "having taken the Lord's supper," according to the Anglican ritual. Could such a parliament, framing laws for a Catholic country, be anything else but the representative of a faction; a mere instrument to maintain the power of a narrow oligarchy, and furnish it with constitutional means of practising oppression?

Having once established this starting point, need we be surprised that the Irish legislature, during the entire course of its long existence, cruelly tyrannised over the country, formed a selfish com-

pact with England, of which poor Ireland paid all the costs; abandoned to England the political and commercial liberties of Ireland, on condition of being maintained in its own domination over the Catholics; subjected the people that it governed to an anti-social code, the cruel and ingenious system of which has been exposed in the Introduction; and finally, by a course of falsehood and blunders, went so far as to proclaim that there were legally "no Papists in Ireland;" in other words, that a nation was blotted from existence! The Irish aristocracy terminated its parliamentary career by an act which pictures its entire life.

One day,[4] England came to the resolution that it was bad for Ireland to have its own parliament, deeming it better that the country should be ruled by laws emanating directly from herself; she therefore resolved to abolish the Irish parliament; but how was this to be accomplished? Ireland possessed the right of making laws, and who could take this right away? At the instant of the proposal, all Ireland was in movement; the parliament of Ireland was anti-national, but the right to have a parliament was a national right.[5] The aristocracy itself, usually so obedient to the English government, turned restive; for it was about to be deprived of its power of giving law to Ireland.

The difficulty was great, and yet it was easily

overcome. The self-same aristocracy, which at the outset disputed with England the right of taking away its privileges, suddenly abandoned them; and, in a short time after it protested against the attempt upon its life, the Irish parliament put an end to its own existence. Why did it commit this suicide? The explanation is simple; the principal parliamentary undertakers, the chiefs of parties, sold their privileges to England for the sum of 1,260,000*l.* paid down in hard cash, and renounced their parliamentary prerogatives. After all, what cared they for the legislative independence of Ireland, which was never their real country? Besides, the existence of an Irish parliament was not exempt from annoyance. Did it not oblige them every year to spend at least a few months in Ireland? After the union, they would no longer be burdened by this charge; some became peers of England, others members of the British house of commons; all could pass their lives in London, all be delivered from Ireland. They then renounced their rights for the stipulated price; an infamous bargain, in which the corruption of those who bought was surpassed by the baseness of those who sold themselves; a worthy end of a parliament which, during the course of its existence, was rarely independent, almost always servile, never national; and which, when condemned to perish, disposed of its

carcass like a criminal selling his body for dissection.[6] It was this bargain which brought about the legislative union between England and Ireland, in the opening of the present century.

Since that time, Ireland has had no parliament, but we must not conclude that she has no parliamentary representation. By the articles of union, a part of her lords sit in the English house of peers;[7] and the counties, cities, and boroughs of Ireland elect members to the British house of commons;[8] these members are elected by the people, according to a system nearly the same as that of England;[9] and under which the Irish aristocracy formerly exercised considerable influence over the elections; but this influence, though it has not quite ceased, has been greatly weakened.

Thus, for the last forty years, the Irish aristocracy has ceased to give laws to Ireland, and this is one evil the less, no doubt; but nearly all the laws which were the work of that aristocracy still exist; and if it no longer makes the laws, it still retains their administration.

We have seen, in the Historical Introduction, that the act of union had no other effect than to abolish the Irish parliament, and confer its legislative privileges on the British parliament, which has not only continued the ancient peculiar institutions of Ireland, but has continued to give the

country special laws, adapted to these institutions, though analogous to the laws of England. Thus the legislative power of Ireland has been displaced, but no change has been made in the mode of administering the laws.

Of all the general interests with which the state is charged, there is doubtless none more important than the judicial administration; let us take this as an example of the influence produced on government in Ireland by the radical defects of the aristocracy.

The judicial organisation of Ireland is precisely the same as that of England.

The four supreme courts are quite independent of those of England; they are the sovereign guardians of individual liberty, which is placed in their hands by the *habeas corpus* act; their jurisdiction has the same extent, they administer justice by the same rules, their independence is secured by the same guarantees, for the judges of Ireland, like those of England, are irremovable.

As in England, the Irish judges go circuit to assizes twice a year; the juries are impanelled, and the verdict given strictly in the English form. In Ireland as in England, besides the periodical administration of justice, there is a daily kind which may be called local, though administered by justices of the peace who derive their authority in

England from the sovereign, and in Ireland from the viceroy.

But though the most perfect similarity exists between the magistracy charged with the administration of justice in the two countries, still the execution of this justice is very different in the two countries.

Criminal law in England is doubtless not free from faults; it has even preserved some feudal traditions which might be deemed barbarous by a superficial observer. Thus, in certain cases, the prisoner cannot be defended by counsel;[10] and he cannot, even by payment, obtain copies of the informations, which the crown-lawyers may use at their pleasure. Finally, the evidence of approvers is admitted against the accomplices of their guilt. These laws are certainly rigorous, and yet, in England, the administration of criminal law displays nothing painful to the friend of humanity; in that country, mild habits correct severe laws; every accused finds in the magistrates, if not benevolence, at least unalterable impartiality. Feelings of equity, and sometimes of indulgence, animate all those who are engaged in the administration of English law; they guide the justices of peace when taking informations; they guide the sheriff in his selection of a jury; they inspire the depositions of the witness, the verdict of the jury, the sentence of the judge, the pardon of the sovereign.

See, on the other hand, the condition of the accused in Ireland. Suppose an unfortunate Irish Catholic arrested, not for a political crime which might provoke magisterial indignation, but for some ordinary offence,—theft for instance. He is brought before the nearest Protestant magistrate," a man of English descent, full of contempt and hatred for the poorer classes of Irish. Now can you suppose that this justice of peace, before whom the poor Irishman is dragged, will examine the proofs of innocence as carefully as the indications of guilt? Do you think, that if the prisoner offers bail, the justice will be as ready to accept it as if the accused were a Protestant? Still the investigation is continued; it depends on the justice of peace whether it shall be fast or slow; but how can he show any anxiety to accelerate it, when he is influenced by no sympathy; when, performing gratuitous functions, he is not interested in displaying zeal; when, on the other hand, not being subject to the superintendence of a superior, he has neither praise to hope, nor censure to fear, for his conduct? It may be conceived, that in such a situation, not stimulated by the consciousness of public duties, and surrounded by absorbing private interests, he will forget what is due to *the Papist*, who, after all, will be safer under lock and key. In truth, the inquiry, retarded by this negligence, will not be ready

at the assizes or quarter-sessions; the affair will be put off for three, or perhaps six months, and the accused must remain all that time in prison, awaiting his trial.[12]

That day at length comes. A hundred or a hundred and fifty jurors have been summoned by the sheriff; but, in the first place, with very few exceptions, the Protestant sheriff has chosen Protestant jurymen. Out of the hundred, twelve are to be chosen to administer the law—the panel is called—scarcely is the name of a Catholic juror pronounced when he is peremptorily set aside by the clerk of the crown.[13] The accused is given in charge to twelve Protestant jurors, for the most part rich persons, equally the enemies of his class and his creed. Now what impartiality can he expect, who perceives in every one of his judges a religious or political adversary? Who can believe that such judges would be animated by the pure love of truth, which is the very first condition of justice? And moreover, how many strange obstacles beset the judge in the trial over which he presides! Frequently in Ireland the accused, being of Celtic race, speaks a language which neither the judge nor the jury, being of English race, can comprehend; hence the necessity of employing an interpreter, who translates to the judge the words of the prisoner, and to the prisoner those of the

judge; here consequently is a prime source of confusion. This is not all—as every accused person in Ireland is looked upon as a victim by the people of his class, that is to say, the lower orders, false witnesses abound, and hence a new source of error is opened to the judge and jury. In the midst of this darkness it would be difficult, even with the best inclinations, to be strictly just. How then will matters stand when love of justice is not the predominant passion? For my part, I have been present at many criminal trials in Ireland, and it is impossible to describe the painful feelings with which such a spectacle filled my mind.

It is a sad truth, that, in every Irish court of justice, there are, as it were, two hostile encampments within sight of each other; the accused on one side, the judge and jury on the other. Amongst the spectators, the people is for the accused; the tribunal is supported by the soldiers, the constables, and the wealthy. As, in Ireland, the aristocracy is engaged in an open contest with the people, all that depends on the aristocracy, or sympathises with it, comes to support it on this terrible field of battle, where the strong exterminate the weak in the name of justice and the laws. The prejudices and malevolent passions of which the accused is the object, are displayed on every side; they may be heard in the accent of the judge, seen in the

emotions as well as the passiveness of the jury; the very language of the counsel for the defence reveals them. It is difficult to form an idea of the tone of contempt and insolence in which the members of the Irish bar speak of the people and the lower classes. Thus, in spite of the formalities of procedure—in spite of all the legal solemnities which surround the accused in the presence of his judge, there is an inward feeling, that this is not a deliberation of judgment, but a preparation of vengeance; this lie of forms, promising equitable chastisement, but concealing a kind of vengeance, is endured; but, when the judge pronounces the terrible sentence of death, it might be deemed the signal for a fierce engagement between the party of the judge and the party of the accused, were not the court filled with armed policemen, whose presence prevents the parties from coming to blows.

In England, the magistrate sees in every accused person an unfortunate fellow-citizen, a person charged with a crime of which he may be innocent, an Englishman invoking the sacred rights of the constitution. In Ireland, the justices of the peace, the judges, and the jury, treat the accused as a kind of idolatrous savage, whose violence must be subdued, as an enemy that must be destroyed, as a guilty man destined beforehand to punishment. In England, the penal laws are sanguinary, the forms

of proceeding are in some respects barbarous, but the manners of the people are humane, the jury is clement, and the judge merciful. In Ireland the penal code is more sanguinary than that of England; all the bad principles of English legislation are practised, and the magistrate is as severe as the law.

Hatred of Law by the People.

Who now will be astonished to learn that the Irish population, which hates and despises its magistrates, hates and despises the laws of which they are the organs,[15] that in Ireland this hatred of the law is universal? Who will be astonished at the horror with which any share in its administration inspires the community?[16]

Sentence of death was once pronounced at Waterford, the culprit was ordered for execution, but even in that country of paupers no one could be found, at any price, to perform the revolting office, and the first officer of the crown was obliged himself to hang the criminal.[17]

Who now will be astonished at the public abhorrence which pursues not only every complainant and informer, but also every witness in a criminal trial? Who does not see, that hence results the impossibility of obtaining witnesses without buying them? Who does not comprehend that this con-

tempt and hatred for criminal law produces the most anti-social disposition that can exist amongst any people, the habit of having recourse to violence? Who does not foresee that this consequence of social evil might, if combined with political passions or circumstances, produce a violent revolution?

Will anybody be now astonished at the sympathy which every criminal excites in Ireland? And if matters have reached such a height that murders are committed in the noonday, persons looking on from their windows, and allowing the murderers quietly to escape; if, when the constables have arrested the guilty, the crowd will pounce upon the officers of justice and rescue their prey; if everybody believes that he will sanctify his dwelling by offering a refuge to the malefactor; and if a universal confederation exist in the land, to save from the penalty of law all those pursued by justice; who, I say, can be astonished?

The office of Public Accuser is wanting in Ireland.

The social evil whose influence is observed in the execution of justice, is not only manifested by the passions that it raises in the magistrates and those subject to their jurisdiction; it attacks also judicial institutions in the first principle of their organi-

zation, and where it does not make them fatal, renders them unavailing. Thus, for instance, the theory or custom which generally leaves to private interest the care of prosecuting for crime or misdemeanour, is the same in England and Ireland. But who cannot comprehend, that though this system or mode is exempt from peril in England, it is full of danger for Ireland?

It may be conceived, that in a society like that of England, where the sovereignty of the law, the omnipotence of the judges, and the impartiality of the magistrates, are established in all the manners and customs; amongst a people, where all is life, activity, movement,—it may be conceived, I say, that in such a country it would be possible to dispense with permanent functionaries connected with judicial bodies, to enforce the suppression of all infractions of the public peace; in such a society it might be safe to trust private interest with the care of avenging violations of the law. The citizens, accustomed to exercise their civil and political rights, habituated also to the equity of their magistrates, will doubtless be prompt to claim spontaneously the justice which is their right, and will prosecute every attempt on property, liberty, and life, with as much zeal as they assert their right to vote at an election. Thus, society will find a sure defence in the sentiment which will impel every-

body to seek his own private redress. In such a country, probably, the citizens will become more skilful in protecting themselves when they will not expect official protection from any authority. Perhaps from this abandonment of private interests to themselves, a new element of power and action will cause a more imperious necessity for a knowledge of the laws, a greater skill in their application; in every heart a more profound sense of its rights, a more enlightened love of its liberty, and thus a principle of social and political power may be derived from that which was at first an imperfection, if not a glaring omission, in the law.

But what will be the consequence if no such public amnesty exists in such a country as Ireland, where private individuals, long deprived of all political rights, and almost all poor, have besides an invincible repugnance to invoke the authority of the judge; where the law as well as the judge is hated; where the feeling of right is extinct; where no confidence is reposed in justice or its organs? It must happen, that private zeal will not supply the want of public activity, and that the greater number of the crimes committed will remain unpunished from not being brought under cognizance of the magistrates. It is not merely through pity for the criminal or distrust of the judge that complaint will be hushed, it will be omitted through ignorance of the

right. No prosecutions will then be witnessed but such as are instituted through passion rather than interest. Hate alone will instigate prosecutions in a country where it is too often by the same sentiment that they are tried. Recourse must then be had to the most immoral means to effect the discovery of crime. Not only will public rewards be occasionally offered to informers, but the law will be found formally consecrating the right of every indigent person to a pecuniary reward for discovering a crime, or aiding in the conviction of a criminal.[18] How strange a means of inculcating justice, which violates the most simple laws of morality!

ANOTHER EXAMPLE.

Unanimity of the Jury in Ireland.

It is in England a fundamental law of the institution of a jury, that the unanimity of its members is necessary to a verdict. Although at first sight it seems difficult to imagine any subject on which twelve reasoning men could perfectly agree without a single dissentient, still we find the principle of the jury work in England without much embarrassment; and all collisions between contrary and violent opinions end in the triumph of the sentiment which is mildest and most humane.

In Ireland the same principle exists, but how is it to be put in practice? Will you compose the jury exclusively of Protestants? Then, doubtless, unanimity will be established as easily as in an English jury. But if an Irish Catholic be at the bar, there is reason to fear that this unanimity, sometimes so difficult, may be rather too prompt in returning a verdict of guilty.

Will you, instead of Protestants, place none but Catholics on the jury? Then it is intelligible that unanimity will be easy; but this time it is for the accused Protestant that fears must be entertained. Perhaps you will compose the jury of Protestants and Catholics indifferently, the only just course in such a case. But then, how are men, separated far more by political passions and prejudices of caste than by difference of creed, to arrive at unanimity of opinion?

This is a difficulty which seems to increase the more it is investigated. Does the judge refuse to deliver the jury, and lock them up until they agree upon their verdict? Such a proceeding is a sentence of death upon those jurors whose health is not so sound as their conscience. Perhaps, seeing that there is no chance of agreement, the judge will dismiss them without requiring a verdict; in such a case, the trial not being completed, must be adjourned to the next assizes, and the accused must

remain three or four months in prison waiting for a second jury, which will perhaps be no less discordant than the first.

Thus one of two things almost always happens; either the unanimity obtained is marked by passion and party spirit, or it is not obtained at all. Justice is not possible when its source is thus tainted.[20]

It is thus that political and social circumstances may render a principle of civil legislation evil in one country, which has been proved beneficial in another.

How and why it has been found necessary to create in Ireland a certain number of Official Functionaries which do not exist in England.

Of all the cares which an aristocracy really anxious to govern takes charge, there is doubtless none which demands more knowledge, more zeal, and more constant efforts, than the administration of justice; and when we consider the variety of duties that devolve on justices of peace in England and Ireland,—all the usages that they must know, all the statutes that they must apply, all the objects of police entrusted to their vigilance,—the multitude of judgments that they pronounce in civil matters,—the gravity of the sentences which they

have sometimes to pronounce with all the severity of judicial forms,—finally, all the responsibilities that result from each of their actions,—we can scarcely conceive it possible for large proprietors, men of business, occupied with their own affairs, and not versed in the study of the law, could discharge such complicated functions with any success. In England, nevertheless, the difficulty, if not overcome, has been fairly combated; and although English justices of the peace are neither exempt from errors nor faults, justice is never wanting in the country, and magistrates are rarely wanting at the petty sessions, where ordinary business is transacted. The spectacle presented by a court of quarter sessions in England is often worthy of admiration.

But the task of administering the law was too severe for the justices of peace in Ireland; it could not be executed by an incapable and indifferent aristocracy. It constantly happened that, on the day of the week fixed for granting summonses and other magisterial duties, two justices were not found in attendance, and the course of law was suspended for want of magistrates. Often also, when the justices of peace assembled at quarter sessions, there was not one of them qualified to act as chairman: and here it was not the absence, but the incapacity of the judge, which rendered justice impossible.

The evil long remained without remedy; the Irish continued loaded with a burden which it had neither spirit nor strength to bear, until at length the central government, taking pity on its weakness and inefficiency, came to its assistance. A law was passed in 1796, authorising the executive power to employ stipendiary magistrates, and place them in all the localities where gratuitous justices of the peace were not sufficient for the administration of justice. And to aid the justices of peace at the quarter sessions, the same law commanded the executive power to send to these assemblies a member of the bar to guide and direct their deliberations, and to assist in their judicial functions, whence he is called the assistant barrister. Although, according to law, the justices of peace are not bound to choose this barrister as their chairman, they very rarely elect any other person, so deep is their sense of their own weakness and their own incapacity.

Finally, as this aristocracy, destitute of all moral influence over the minds of the people, required the aid of physical force to produce obedience, the law has created a large corps of agents, half civil and half military, analogous to the *gendarmerie* of France, called the constabulary force; these are placed under the control of justices of the peace, charged with executing the mandates of the magistrates, and protecting them in their functions;

and government has conferred on the chief constables the power of executing, themselves, all the functions of judicial police, which in England can only be performed by justices of the peace.

It is a sad and perilous condition for an aristocracy to be under the necessity of invoking and receiving the aid of the central government. In fact, which of the powers created for its support may not be employed to attack it? An aristocracy can only remain masters of its powers by personally exercising them; it has no real existence, and no true power, but when it brings to its functions of government knowledge and virtue. Now, how can it be skilful when it does not impose upon itself the cares of government? How can it be generous when, for both the country and the people, it neither feels affection nor sympathy?

Subsection II.

Influence of the same principle on the institutions of the county.

In Ireland, as in England, the state is divided into counties. As in both countries, the central power neither directly nor by agents occupies itself with the details of government; it is naturally in the county, which is the principal division of the

state, that the administration of public affairs, properly so called, is made. Though the state cannot properly be said to administer the affairs of the county over which it is in principle the sovereign administrator, the state nevertheless has its own officers in the county, the chief of which are the sheriff, the lord lieutenant, and the justices of the peace.

These officers of the central government discharge in the county two sets of functions; the first may be called *general*, as they interest the entire country, the most important of which, the administration of justice, has been explained in the preceding chapter; the second may be named *local*, because they are specially directed to the affairs of the county in which they reside.

There are many things connected with the administration of an Irish county which in England belong to other bodies. For instance, it is the county that in Ireland undertakes most of the public labours undertaken in England by parliamentary boards of trust and commissioners, such as canals, &c. The county also regulates all the roads small and great, which in England are either turnpike trusts, or managed by the parish.[1] There was little public charity in Ireland previous to the introduction of the New Poor Law; but the few charitable institutions, infirmaries, and dispensaries

belonged to the counties, whilst in England all public charity belongs to the parish.

In England, the special interests of the county are regulated at the quarter sessions; in Ireland, the magistrates at quarter sessions are limited to the administration of justice. At special sessions and road sessions they discuss county interests: but their examination of them is merely preparatory: they recommend rather than decide. The final decision must be controlled and sanctioned by the grand jury, a body which in Ireland plays the chief part in the administration of the county.

The grand jury in Ireland is at once a judicial and administrative body; it assembles twice a year, and then administers those affairs which in England are managed at the quarter sessions. The body that regulates the affairs of an English county deliberates, decides, and acts in perfect independence; whilst the administrative functions of an Irish grand jury are to a certain extent under the control of the judge, whose *fiat* is necessary to the execution of their presentments.[2]

Though the grand jury ceases to exist with the assizes, yet the same persons are generally summoned by the sheriff at the ensuing assizes. The judge might certainly oppose obstacles to an Irish grand jury which are not encountered by the English court of quarter sessions; but the

central power has been so closely connected with the aristocracy, that few sheriffs or judges have been chosen in opposition to its will; practically, therefore, the Irish grand jury may be deemed as free in its actions as the English court of quarter sessions.

A moment's reflection will sufficiently show that the same moral causes, which render the same judicial institution beneficial in one country and pernicious in the other, are, for much stronger reasons, capable of exercising the same influence over the administrative functions.

The rich Protestant, who, as a justice of peace, acts in the capacity of judge, is doubtless subject to passions that bias his judgment; but still in his sympathies for the Protestant, and in his enmity to the Catholic, he is fettered by judicial forms, and obliged to cover his most iniquitous proceedings by a mantle of equity, which sometimes fails him, and from want of which he must either stop short, or compromise his character. His administrative functions are not thus embarrassed; he has no need to prove the same equity in his acts, and he is more easily unjust, because his injustice is less subject to publicity. Thus the arbitrary decisions arising from favour or hatred, and the oppression resulting from selfishness, are more easily practised by the administrator than by the judge: conse-

quently we must not be astonished if the great landlords of Ireland, who as justices of the peace give such sad specimens of justices, should exhibit in general the most barefaced selfishness in their administration, and if it be difficult to find in their acts any views of public interest, or any trace of generous sentiment.

Invested with the exorbitant right of taxing the county, they bear heavily on the poor, and lightly on the rich. When these rates are levied, to what purpose are they applied? They are spent to promote the interests of the rich, and they are never applied to the profit of the poor. If they have any assistance to bestow, it is given to the Protestant, and not to the Catholic, though the former be rich and the latter poor. Does any one suppose that, when they create an office, it is for the general interest? Not at all; it is instituted to provide for some favourite. Authority is, in their hands, only a means of advancing their own affairs. If a road is to be made, they consider their own personal convenience, not the wants of the country; and the county will pay a heavy tax, not to join some important centres of population, but to make an easy and agreeable communication between the houses of two rich proprietors. But at least, in this country of misery and ignorance, will they not found schools and hospitals? No. What then

will they do for the people? They will provide barracks and prisons, almost the only splendid buildings in Ireland. Finally, they will commit such enormous abuses, such gross frauds, and such monstrous excesses, as to render "Irish grand jury jobs" proverbial in England.

The rich in Ireland, masters of the entire administration, hold in their hands all the powers of society. How then shall they set bounds to their own authority? "It is," said Montesquieu, "proved by invariable experience, that every man invested with power is tempted to abuse it; even virtue itself has need of limits." If limits be wanting to virtue itself, how far will that selfishness advance which has none?

If the best aristocracy is not exempt from faults, it may be fairly said that a bad aristocracy is the worst of governments; and nowhere are its vices more clearly displayed than in the daily administration of the laws. If an aristocracy feels sympathy with the population, its members, dispersed among the people, will be more inclined to protect the weak and succour the poor, as they will be continually witnesses of the weakness of the one and the indigence of the other; and the more powerful and rich they are, the more capable will they be, while maintaining their own privileges, of defending the rights of their inferiors. But when

this aristocracy is the natural enemy of the people, its power no longer affords tutelary aid; should it be sufficiently strong and clever to preserve its own prerogatives, it will not extend the benefits of its strength; all its members will keep their privileges, but those beneath them will not have their rights. In such a state, there will be all the subjection of inequality, with all the evils of servitude.

Nowhere will the oppression of the people be so easy and certain as in such a society, for nowhere will the oppressed be so much within reach of the oppressor. In a country where every landlord is at once an enemy of the people and a public functionary, it may be said that tyranny is everywhere.

If all things unite to render pernicious an aristocracy whose principle is vicious, it must be added that they equally tend to render it odious. When an aristocracy is not rejected by the national and religious sentiments, it has, in the eyes of the people it governs, one singular merit, exaggerated perhaps, but still a great glory and a great power,—that of exercising its functions gratuitously. It doubtless finds in the social state by which it is supported, advantages and privileges which amply indemnify it for its labours; but then its members do not positively receive a salary; and there is in this apparent

disinterestedness a something that singularly affects the mind of the multitude, and induces the many to honour the character of those whose generosity they admire, at the same time that they recognise the superiority of their intelligence. But this merit of an aristocracy is changed into a grievance, when, instead of being popular, it is odious to the nation.

In fact, it seems as if oppression were more readily pardoned to a salaried magistrate or judge, who, in practising it, seems only to perform the task by which he gains his livelihood. It may be supposed that this functionary is only a passive agent, who in his heart laments the evil that his hand produces; but when he is an unpaid agent, it is naturally supposed that he takes a pleasure in oppression, and that he practises with all his heart the tyranny of which society does not defray the expenses.

Section III.

Influence of the same Principle in the Municipal Corporations.

Having examined the vicious principles of the Irish aristocracy on the powers of the state and the administration of the county, we are about to consider the influence of the same principles on

the government of cities and towns, called municipal corporations.

Neither in Ireland nor England are all the towns incorporated, and also there are municipal corporations to which we could scarcely give the name of towns; for instance, the borough of Naas. A town is not a corporation because it contains a certain number of inhabitants, but because it possesses a charter: it is incorporated, not by right, but by privilege, the only universal and invariable privilege which existed in all societies of feudal origin.

The differences between the English and Irish corporations are not less striking than those between the English and Irish counties. In Ireland, the unchartered towns are the best governed. How, then, does it come to pass that in Ireland, where we have seen all public powers so open to abuse, municipal corporations should enjoy a bad pre-eminence for extravagance, jobbing, and tyranny? How happens it that we scarcely find in them a single one of the original principles on which their institution is based?

Thus the first and fundamental principle is, that the corporation should be composed of all persons contained within the precincts of the city, and that all should concur in the choice of the body by which the city is represented. Nevertheless, in

most Irish municipalities, the great majority of the population is excluded from the right of citizenship.[1] Who would believe that Belfast, that large and magnificent town, does not legally contain more than fifteen or twenty citizens?[2] It is another fundamental condition of municipal institutions, that the body representing the city should be composed of those who are most identified with its interests, and most capable of comprehending them. Nevertheless, in most of the Irish cities, the representative body is in a great degree formed of persons destitute of fortune and education, and sometimes of non-residents.[3] There are mendicants in the corporation of Dublin, while the most wealthy merchants are refused admission into that body. It is also an essential principle of corporations, that the body representing the city, the freemen, should be themselves represented by the officers who act in their name; nevertheless, corporate officers are not so elected in Ireland; by an incredible abuse, these officers have acquired the right of nominating each other.[4] When an alderman's place is vacant, the other aldermen choose his successor; and these aldermen, whom the citizens have not elected, nominate the mayor, the sheriffs, and all the officers of the city. Thus not only is the city non-represented by the corporation, but, in addition, the corporation is not repre-

sented by its own officers. In these corporations several offices are grasped by the same functionary; the governing body multiplies sinecures for the profit of its members; the grossest acts of selfishness are perpetrated without shame; the corporations of Trim and Kells alienated their lands, that two or three of their members might purchase them at a nominal price; the corporation of Naas granted to a noble lord one of its members' lands, worth five hundred pounds, for twelve pounds; and at Drogheda, the corporation ruled that the charitable funds belonging to the city should be exclusively expended for the profit of members of the corporation and their families.[5]

And why all these contradictions?—why this violation of all principle?—why this assemblage of abuses? A principal cause supplies the explanation. It was necessary in the beginning to exclude the Irish from the cities in order to preserve the monopoly of commerce and wealth to the English settlers, and consequently laws and regulations were made, which excluded the *natives*, as Irish, from the corporate body. It was similarly necessary to exclude the Catholics from the right of citizenship, in order to maintain the Protestant ascendency in Irish towns.[6] Consequently the laws required that before a person should be admitted as a freeman, he should take the oaths of supre-

macy and abjuration. For cities where there were no Protestants worthy of representing the city, either from want of fortune or personal merit, it was necessary to invite to this representation either strangers devoted to the aristocracy, or poor persons sold to it. Finally, it was necessary to restrain as much as possible the number of freemen and corporate officers, in order that the aristocracy should have less trouble in their corruption, and less expense in their purchase.

Vainly have most of the laws which consecrated these exclusions been abolished: their spirit has survived their text. The emancipating law of 1793 opened the corporations to Irish Catholics, and rendered them eligible to the body of freemen; but this law is a dead letter. Catholics are admissible; but the admission depending on the body of freemen, these, being Protestants, refuse to receive Catholics. Thus in Dublin, where more than one half of the population is Catholic, there is not a single Catholic in the corporation.

The emancipation act of 1829 declared that, for the future, Catholics might not only be admitted as freemen into the municipalities, but moreover that they should be eligible to all the civil and judicial offices at the disposal of the corporation. But how can Protestant bodies, refusing to recognise Catholics as their fellow-citizens, elect one of them a magistrate?

There are certain radical vices in institutions against which the laws are powerless, when they are protected by usage and custom.

Formerly, in England, the municipal corporations presented in their government a portion of the vices and abuses which we have pointed out in those of Ireland. These vices and abuses were less pernicious in England than in Ireland, because, in the former country, they were subservient to an aristocracy which, after all, is not unpopular; whilst, in the latter, they only exist for the profit of an aristocracy odious to the nation. A recent law has thoroughly reformed the English corporations, and re-established them on a new and popular base. In Ireland, on the contrary, the old feudal and Anglican system of corporations has been left standing as the inviolable sanctuary of aristocratic privilege and Protestant monopoly.[7]

SUBSECTION IV.—*Influence of the same principle on the parish.*

It only remains to examine the effects of the same principle on the parish, where it exercises perhaps a still more potent influence than over all the other powers.

Irish parishes are, in theory, constituted on the

very same principles as those of England; the parish in both countries has a democratic foundation, and forms an equal anomaly amidst institutions derived from feudality.

The powers mentioned above, that of the state, that of the counties, that of the municipal corporations, have all the same origin: they all proceed from the sovereign, the only source of power in a feudal society: the municipal corporations themselves have a free and democratic constitution, only because they have received from the sovereign the privilege of thus constituting themselves. The parish has a principle absolutely opposite: it proceeds from the people.

This double source of political institutions in England explains better, perhaps better than anything else, the perpetual conflict between two adverse principles which we encounter in English society, and which we find in perpetual war; the one authority, the other liberty; the former drawing all power to a centre, the latter diffusing it amongst the people: the first supported, sometimes by the sovereign, sometimes by the parliament; the second taking its root in the parish: one a Norman principle, the other a Saxon principle.[1]

When William the Conqueror and his Norman knights succeeded in the conquest of England, they found the Saxon parish established there, the

free principle of which was then in perfect harmony with that of all the other powers. William and his successors destroyed those institutions which placed power in the hands of the people, and seized on all authority themselves; still, in this general destruction, one power was spared, that of the parish, which was, perhaps, respected on account of its semi-religious character, and became, under the tyranny of the Normans and the Tudors, the only asylum where the old Saxon liberties found a shelter.

When the Anglo-Normans conquered Ireland they brought with them the Saxon parish as well as the Norman county; there is not a single constituent principle of an English parish which may not be equally found in an Irish parish. How comes it to pass that the Irish parish, so similar in theory, should in practice be so different from one in England?

In England, the parish is full of movement an life; it is the centre of a multitude of great interests; it gives life and vigour to the principles of popular liberty, which are shaded by the aristocratic edifice.

A great social inequality doubtless reigns in England; but it is necessary to be present at a vestry meeting in that country to judge to what extraordinary liberty this inequality is allied.

There may be seen with what independence of language and thought an obscure English citizen opposes a lord to whom he bowed down a moment before. He is not his equal:—but within the limits of his right he is equally free, and he is conscious of the fact. His right is to discuss the interests of the parish, and this right he exercises not only with liberty, but with a prudence and skill which it is astonishing to find in an orator whose stained hands and coarse habits prove him to be an artisan, or a man of the lowest class. The English institutions, collectively, form no doubt an aristocratic government, but there is not a parish in England which does not constitute a free republic.

In Ireland, on the contrary, the parish, which presents to the eyes the same external appearance as the English parish, has nothing of its life: possessing the same organs, it is languishing and inert, if not quite dead. Whence is this difference? One principal cause explains it.

Without doubt, the Irish parish did not, at its origin, find the same favourable circumstances which cradled the parish in England. When once the tempest of the Norman conquest was passed, the English parish raised its head, and continued to grow and develope itself in a country where it had taken root. The institution of a parish was

introduced into Ireland by the Anglo-Normans, who carried with them the body rather than the spirit of the Saxon institutions; it necessarily suffered from transplantation into a land which had not given it birth: it wanted the Saxon soil, and it may be doubted whether, under the most propitious circumstances, it would have acquired the vigorous existence possessed only by institutions that sprang from a country and its habits.[2] But a pernicious influence was superadded, which at once blighted its growth,—that of the Protestant principle, violently introduced into the centre of the Catholic population.

The first attribute of the parish, the very essence of its institution, is the support of public worship, the building and repairing of the church, providing salaries for its officers, &c. Now, what took place in Ireland, a country profoundly Catholic, when the English, having turned Protestant, undertook to make their new creed predominant in that country? In the first place, they forbade those parishes in which there were no Protestants to assemble in vestry, and provide for the support of their religion, the exercise of which was declared a crime. By this single act, three-fourths of the parishes of Ireland were at once despoiled of their first interest. Their next proceeding was to order that every parish in which there were any Protestants should

be bound to pay for the support of worship what had been formerly contributed to the Catholic church; so that not only the vestry of a parish composed exclusively of Catholics could not assemble to vote money for the support of their own church, but it was further obliged to assemble, deliberate, and vote the expenses necessary for the support of the Anglican faith, simply because it was the creed of two or three members. Such a requisition was palpably absurd. How, in fact, could men persecuted on account of their religion willingly tax themselves to support the creed of their persecutors? The Catholics refused a vote which it was sheer madness to ask.

What then was to be done? It was required that the entire parish should defray the expenses of the Protestant church; but the vestry, the majority of which was Catholic, refused the rate.

In such a state of things, as it was impossible to force the conscience of the Catholics, it was resolved to violate the essential principle on which the parochial institution rests; and a law was passed, depriving Catholics of the right of voting on all questions concerning the Anglican church, and giving the Protestants, however few in number, the exclusive right of forming the vestry, voting the sums necessary for the expenses of their church, and raising the amount by a rate levied

equally on Catholics and Protestants. Thus, in the greater number of parishes, Catholics had nothing to do with providing for worship; and in the parishes where a few Protestants had been raised, a different religious interest, an almost imperceptible minority, gave laws to the majority. Thus, in the greater number of instances, the parish in Ireland was deprived of its proper functions; and in the others it only preserved them at the price of violating its fundamental principle, and perpetrating gross injustice.

Still the law which excluded Catholics from the vestry, where provision was made for the Protestant worship, left them access to those which were assembled for any other purpose. But when once religious interests were set aside, what remained to be done in an Irish parish?

One of the greatest interests under the management of the parish in England is public charity. It is in England a fixed principle, that every indigent person has a right to the assistance of society, and the aid thus claimed by the poor is for the most part given by the parish.[3] This is an abundant source of immense duties and endless cares; for this obligation of providing for the wants of the poor brings with it, in England, a multitude of accessory charges. After having given bread to the poor man, the English parish deems it neces-

sary to provide a residence if he wants one, clothes if they be required, medicine if necessary: if the poor man has children, the parish not only offers them the same aid, but further believes that it is bound to support and educate them; so that, in England, parochial charity comprehends not only food for the hungry, but moreover houses of refuge, hospitals and schools.

Why is it that in Ireland we find the parishes undertaking no such charge? The reason is sufficiently plain, and it is found in the English and Protestant character of the aristocracy. The poor-law dates from the reign of Elizabeth. Now, at that period, the sentiment which induced the rich in England to aid the poor had no existence in Ireland, where the rich were English and Protestants; and the poor, Irish and Catholics. The long resistance of the vanquished had inspired the conquerors with too much rancour to leave them accessible to the ordinary feelings of humanity; and on the day when the conquerors became, as Protestants, the religious enemies of the Catholics, it may be said that the sources of charity were dried up in Ireland. This is the reason why, in this country of paupers, a poor-law is but of very recent introduction; why, until now, public charity has never been instituted in the face of the most excessive misery imaginable. Whilst in England it is

a principle that every pauper has a right to legal support, in Ireland the principle is rather, that the rich owes nothing to the poor; and hence the management of public charity, which has so greatly extended the sphere of parochial business in England, has added nothing to it in Ireland, where it was already so destitute.

The Irish parish, which was deprived of its most natural functions to advance the Protestant interest, has recently been deprived of its principal and almost its only rights, as a boon to the opposite interest.

The injustice of subjecting the Catholic population of parishes to the vote of an exclusively Protestant vestry having been finally recognised, a law was passed in 1833, prohibiting the levying of church-rates, and the parish has consequently abandoned all care of religious interests. Thus, the Irish parish, possessing the same powers and invested with the same forms as the English parish, is, by the effect of one single principle, so essentially different, that whilst the one is the very heart of political society, the other is almost inanimate power. It is with difficulty that any object can be found to engage the attention of an Irish parish; it is not power that is wanting, but functions; at present its only business is to elect its officers, the clerk, the churchwardens, the beadle, &c., and to

provide for their salaries. But when these officers are elected and their stipends voted, they are no doubt legally instituted, but they have nothing to do.

Influence of the same principle on an institution common to all public powers,—judicial authority, the only supreme administrative power.

The most striking feature in the political powers of society in England and France is the almost total absence of an organised system. It is true that the houses of parliament enact supreme laws destined for all parts of the empire, but no state-authority attends to their execution. The parish acts by its officers, the corporation by its magistrates, and though there are state-agents in the counties, such as the lord lieutenant, the sheriff, and the justices of peace, yet their functions are gratuitous, and it is difficult to establish any durable direction given by superior power to unsalaried agents. The trustees of roads and canals are only controlled by parliament, and a deliberative assembly is obviously unfit to superintend the execution of the laws. In England and in Ireland, the only authority that has really a right to exercise a direct control over all these various powers, is the judicial authority.

The tribunal which in this respect exercises the

widest and most potent jurisdiction is the Court of Queen's Bench, which in both countries is considered the supreme representative of the executive power. But this court does not and cannot interfere, save on the requisition of the interested parties. Such a system of administration, though perhaps good for England, cannot but be defective in Ireland.

The object of a system which places the control over all administrative bodies and agents in the judicial authority, is to give inviolable guarantees to the liberty and property of the citizens. But, in the first place, what can be the protection of this authority in a country where it is so difficult for the judge to be just, and where the person in need of justice is so little capable of demanding it? Such a system, we must see, is singularly complicated; it requires not only the confidence of suitors and good feelings in the judge towards the suitor, but also that the latter should have sufficient intelligence to comprehend the wrongs they sustain from power, and sufficient fortune to defray the expenses of a suit. Now the justice that is open to all is expensive, its forms are tutelary, but singularly slow, and the abuses of authority must have become excessive before persons will apply to law for redress.

It is easy to conceive that such a system might be applicable to a country like England, where the

law is sufficiently popular for the citizens to seek its protection, and where these citizens are sufficiently enlightened and sufficiently rich to have recourse to justice. It may happen that several frauds and abuses of power will be committed in such a country, without the injured parties making a formal complaint; but there will, nevertheless, be always a sufficiently large number of suits instituted by personal interest or passion to bind public functionaries to the observance of the law.

But what must be the effect of such a system in a country where law is hated as hostile to the people, where the citizens, unaccustomed to defend their rights, are nearly all indigent? Of what value to a nation of paupers, long kept under the yoke, is a principle which, to be put in practice, requires great wealth and old habits of freedom? How can the judge, who is often unable to preserve his impartiality in the trial of an ordinary crime, because the prosecutor and accused are of a different religion, or because he looks upon them as of distinct races,—how, I say, can he decide, without favour or affection, a quarrel between public authority and a private individual? The plaintiff is a Catholic! the defendant is a Protestant! and is not the Catholic population in a state of war, not only against the Protestants, but against all authority? The functionary inculpated is rich; the

plaintiff is poor; and is not the poor man in Ireland at war with the rich? The Protestant and wealthy functionary must therefore be supported against the poor Catholic complainant. When once his part is taken, the magistrate will not be in want of legal excuses to justify it: even supposing that those obstacles which shut the heart of the judge against complainants did not exist, can it be supposed that this population, which, as we have seen above, is scarcely able to demand justice for ordinary crimes, would be better able to establish its grievances against the agents of public authority, and distinguish at a glance the limits, often so hard to be discovered, between the legitimate exercise of power and its abuse? Assuredly, if ever there was a country in which the administration ought to act alone,—without demanding any money from the people, or requiring from it any cognizance of its rights,—by agents all whose movements should be spontaneous,—that country is Ireland. The Irish functionary, menaced by the possibility of a judicial suit, is in general little restrained by this fear, when the abuse of his authority is directed against some unfortunate being with whose ignorance and poverty he is acquainted; and yet does he not easily persuade himself that his conduct has been irreproachable, since it has never been made the subject of a trial? Thus, at the same time

that redress is offered in the sanctuary of the laws to all who have reason to complain of public functionaries, a thousand obstacles render its attainment almost impossible to the people. Judicial authority is the sovereign guarantee of all rights—he who is charged with its administration does not dispense it,—he who needs it does not demand it. This is the reason why, with a principle designed to protect the property of the rich and the liberty of all, we find in Ireland liberty without defence, property without guarantees, and security for nobody.[6]

Section III.

RELIGIOUS CONSEQUENCES.

Legal and official Establishment of Protestant Worship in the midst of Catholic Ireland—The University and the Protestant Schools.

We have seen the influence exercised by the English and Protestant origin of the Irish aristocracy on civil and political society; it only remains to examine the consequences of the same principle on religious society. Thus, having considered how this principle affected the mutual relations of the rich and the poor, governors and subjects, we are

about to consider its influence on the reciprocal relations of Catholic and Protestant.

We have already noticed under what circumstances England became Protestant, and how, when she made the change, she was anxious that Ireland should do the same. This anxiety was not merely the consequence of a religious passion, it was also the result of a political principle. No one in the sixteenth century could comprehend the complete separation of the temporal from the spiritual power; but, perhaps, in no country was the union of secular government and religious authority more close than in England, because nowhere else was the head of the state also the head of the church. It is easy, then, to see why the English, having based their own government on Protestantism, should have laid a similar foundation for the government of Ireland. The church and state were then but one. At a later period, a race of kings was hurled from the throne on suspicion of Catholicism; it was then required not only to be Protestant, but Anglican, in order to reign. This is sufficient to show that the English must have wished not only to render Ireland Protestant, but Anglican.

In the same way, as it is generally impossible to comprehend the existence of a religion without a system of public worship, the aristocracy could not understand a church without wealth and privileges;

it was resolved that the church of Ireland should be wealthy and splendid, and that the aristocracy of Ireland should have an aristocratic church.

In England, the Catholic church was deprived of its lands and rights, which were transferred to the Protestant church. This spoliation might have been unjust, but it was effected for the advantage of a creed accepted by the majority of the nation. In Ireland, the same means of endowing the new church were adopted. It obtained the confiscated church-lands, and a right to the tithe of all Irish produce; but whilst the aristocracy introduced and established the new creed in Ireland, the people of the country clung to the ancient faith; so that a Protestant church was established at great expense in the midst of a Catholic population. Hence arose a forced alliance between the Anglican church and the aristocracy; the latter being naturally attached to the religious system it had founded, and by which it alone profited; the former being entirely devoted to the political power that had created it, and which could alone protect it from the common enemy. We shall hereafter see that the links which united them from their cradle were drawn closer together: although the king ceased not to be the head of the church and state, the aristocracy soon domineered over both; the rich managed the state, and the bishops the church. Perhaps we may be

permitted to see, in this parity of origin and precocious confusion of church and state, the germ of a common destiny.

From the time of this union the invasion of Ireland was not simply political, it was also religious. Ireland was not only covered with an army of soldiers and greedy conquerors, but also with a spiritual militia of archbishops, bishops, and Protestant ministers, who came with the avowed intention of changing the national creed; and the people, from the very outset, saw their religion menaced by the pious auxiliaries of those who had taken away their country.

England, which had been, turn about, Catholic and Protestant at the caprice of Henry VIII., which returned to Catholicism under Mary, became Protestant under Elizabeth, Puritan under the republic, and Anglican after the restoration of Charles II.—England, I say, without doubt, believed it sufficient to establish a religious creed in Ireland, supported by the civil law, to effect the conversion of the country. The Anglican church was therefore instituted under the presumption that Ireland would shortly become Protestant. We have already seen the evils that were derived from this delusion; we have seen the persecutions, the massacres, and the cruelties perpetrated by the church and the civil government, in order to convert Ireland to

Protestantism. All these rigours have been vain; Ireland has remained Catholic, and it is now a truth established by the irresistible evidence of statistical documents, that the Protestants of Ireland are fewer in proportion to the Catholics than they were two centuries ago. Their ratio to the Catholics in 1672 was as three to eight—at present it does not exceed three to twelve.[1] Thus Ireland is more Catholic after the persecution than it was before; a consoling result to every one who is the enemy of violence, and superior to the efforts of tyranny.

The age of the religious wars is past; the throats of Papists are no longer cut in Ireland; banishments to Connaught are no longer in force; the penal laws against Catholics have been successively abolished. Persecution has disappeared, but the Anglican church remains. At the present day, as in the first age of the Reformation, there is in Ireland a Protestant militia spread over the whole surface of the country.

The Anglican church envelops Ireland in a vast administrative net; four provinces, thirty-two dioceses, thirteen hundred and eighty-seven benefices, two thousand four hundred and fifty parishes—such is the religious division of the country. The parish is only an administrative fraction of the benefice which constitutes the smallest ecclesiasti-

cal unity; the Protestant worship has establishments everywhere, even where there is no Protestant congregation. Thus, there are in Ireland eighty-two benefices and ninety-eight parishes in which there is not a single member of the Anglican church to be found. The services of the church are not dispensed in the ratio of the Protestant population, but a Catholic country is partitioned in reference to the Anglican church. There are entire dioceses where the population is almost exclusively Catholic, but this does not hinder them from possessing a complete establishment suited to Protestantism. To cite only one example, the diocese of Emly contains ninety-five thousand seven hundred inhabitants, of whom only twelve hundred belong to the Established Church; all the rest, to the amount of more than ninety-four thousand, are Catholics. Nevertheless, the Anglican form of worship has in this diocese fifteen churches, seventy-one benefices, and thirty-one salaried ministers.

The establishment of the Anglican church is naturally divided into the higher and lower clergy; four archbishops,[2] twenty-two bishops, three hundred and twenty-six dignitaries, such as deans, prebendaries, archdeacons, &c., compose the higher clergy; the inferior or parochial clergy comprises thirteen hundred and thirty-three beneficed minis-

ters, to which must be added seven hundred and fifty-two curates.[3] A great number of the Anglican ministers possess benefices exclusively tenanted by Catholics, consequently they have nothing to do, and hence are frequently non-resident. It was calculated, in 1830, that out of thirteen hundred and five beneficed clergy, there were three hundred and seventy-seven absent from their posts, and in 1835 there were a hundred and fifty benefices without a resident rector or curate.

The clerical body in Ireland is nevertheless magnificently endowed. Besides its right to tithes, it possesses six hundred and seventy thousand acres of land. On the most moderate and authentic calculation its annual revenues amount to about a million sterling, and all these revenues go to the maintenance of the clergy.[4] The higher clergy, most of whose employments are sinecure, possesses immense wealth,—it takes to itself alone more than 320,000*l.* annually. The Primate or Archbishop of Armagh has over fourteen thousand a year; the revenue of the Dean of Derry is three thousand seven hundred pounds.[5]

Here, then, is a country where half of the population is annually famishing, and where a million of money is spent every year on the ministers of a creed which is not that of the people!

Whatever objections may be made to the great

wealth of a clerical body, it may still be conceived that a church endowed with large property may be popular and beneficial, when the creed that it represents is that of the entire population.

A religious nation may derive pleasure from surrounding the priests of its faith with splendour and magnificence. The more elevated the notions of the sacerdotal office are, the more such a nation desires to aggrandise its ministers. Among a believing people, the priest is the sacred intermediate between God and man. Without him there is no public worship, no solemn devotion. The priest blesses man in his cradle, pronounces the benediction on his union when he takes a companion, stands by him in all the changes of life; he knows nothing of the joys of the rich, but he is never wanting in the hour of misery: the priest hears the first and the last cry of man. It is he who instructs the people in the duties of this life, and the requisites for that which is to come. The people receiving from the priest the knowledge of things human and divine, bestow on him in turn a merited and splendid support.

Besides, there is commonly in the fortunes of the church a principle of charity expressed or understood, which protects them against the apparent scandal of their enormity: this principle is, that the church has only the wardship and distribution of

the property entrusted to it. The church is the natural patron of the indigent. It seems as if it could not be made too rich, because its riches are those of the poor. Whatever may be the liberality of political institutions, there is a multitude of individual miseries that escape them, and which charity alone can discover and relieve. A church is religious charity personified. Thus understood, the opulence of the church is easily comprehended, if it be not justified.

But how are we to explain the immense riches of a church which is not that of the people? How are we to understand the immense revenues of a clergy instituted for the cure of souls, as its canons declare, and placed in the midst of a population to which its spiritual aid is odious? What means this charge of instructing the people entrusted to men whose teaching the people rejects? What is the sense of entrusting public charity to a clergy which cannot feel sympathy for the temporal distress of its religious enemies?

The Established Church of Ireland is, in reality, useful only to the small number of Anglican Protestants whose religious wants it supplies, and who pay just so much less for the expense and support of their religion as they compel the entire population, hostile to their creed, to contribute. If the members of the Church of England in Ireland, who

amount to about eight hundred thousand, were to support their own church themselves, it would cost each of them, on the average, one pound sterling annually; but, by distributing the charge over six millions and a half of Catholics, and six hundred thousand dissenters, the cost to each member of the Anglican church is only two shillings. What a singular foundation for a church is a system which plunders the poor in order to assist the rich!

A generous or wise aristocracy would endow a church out of its own property, in order that this church, its ally and its friend, might be an intermediate between it and the Pope, and alleviate to the people the injustice and rigours of an aristocracy; but here is an aristocracy seeking its support in a church, useful only to itself, and the burden of which is thrown upon the people.

Such, nevertheless, is the institution with which the fate of the Irish aristocracy is linked.

The bond that unites both, is not only moral, political, and religious, it is also judical; the Protestant ministers have not only the same creed, the same interests, the same passions as the landlords, but they moreover discharge the same administrative and judicial functions.

A great many clergymen of the Church of England are justices of the peace;[6] that is to say, in other words, the Catholics are placed under the

civil jurisdiction of churchmen, whose religious jurisdiction they reject. Thus the Irish Catholic, who only knows the Protestant ministers by the tithes he pays them, finds them on the bench, as judges at petty sessions and quarter sessions, meets them at the assizes, sharing in every process, whether civil or criminal, where favour prevails over right, where the rich condemn the poor. It is bad, as a general principle, to unite temporal and spiritual power in the same hand; it is bad that the voice of the pious minister, which proclaims pardon in the name of the All-merciful, should be charged with the application of a law which does not pardon. And what will be the rule of the priest that is a magistrate? Will he judge crime as a sin, or sin as a crime? Whatever efforts his conscience may make, will he be able to separate one from the other? Will he not condemn, from pious motives, what the law will command him to absolve? and will not christian charity render him indulgent to faults, for which the law prescribes punishment? But, if it is bad to entrust a clergyman with the office of condemning or absolving those whom his religious conscience judges differently from his reason as a magistrate, what will be the result if this minister be the pious enemy of those whom he is to punish in the name of the laws,—that is to say, if counsels of severity be found at the very source of

charity; if, even without his own knowledge, every legal severity he inflicts on a misdoer flatters the first passion of his heart; if this same man, who, as a Protestant minister, levies tithes on the Catholics, sends them to prison as a justice of the peace? It must follow, that a church so constituted will excite universal hatred, and will have the power of rendering not less odious than itself, every authority of which it is the auxiliary or the friend.

The University and the Protestant Schools.

In England, the Established Church not only distributes amongst the people spiritual succour for the soul, it believes also that it has a right to direct the faculties of the mind; it not only regulates the form by which prayers are to ascend to heaven, it aims at guiding man in the efforts he makes to perfect his intelligence, and thus raise himself towards the Divinity. The church believes that it is called to superintend instruction as well as worship.

In England, the church and the university are sisters, and this explains the strict union between the university and the aristocracy. The university is bound to the aristocracy by the same link which unites that to the church. In Ireland, the church

and the university are joined by the same bonds, and consequently so are the university and the aristocracy. But it is easy to understand that the same causes which have rendered the establishment of the Anglican church in Ireland a grievance, must exercise the same influence on the university, which is an integral part of that church.

The university of Dublin was founded by Queen Elizabeth, on the same principles as the English universities, and endowed with the confiscated lands of Catholic monasteries, and has at present a revenue of about eighty thousand pounds annually. It is just, however, to state, that it is less intolerant than the English universities, and that its statutes not only admit students of every creed, but that it grants degrees in all the faculties, (except divinity,) without any distinction as to the religion of the candidates.

But is it now necessary to state what renders an institution vicious in Ireland, which, though more exclusive in England, presents there some advantages in the midst of monstrous abuses? Can we not discover, at the first glance, that this institution, which entrusts the highest degree of instruction to a Protestant church, can only excite in Ireland sentiments of repugnance and hatred? What Irish Catholic, supposing him wealthy, will be inclined to incur for his son the expenses of an education,

of which Protestantism is the foundation?[7] Who will tranquilly entrust his son to the bosom of an establishment which is regarded in Ireland as the very focus of Protestant proselytism? Who does not understand that the Irish university, which in principle is, perhaps, less defective than the universities of England, is in point of fact a thousand times worse?

The university of Dublin is open to persons of every denomination, but, from the nature of its institutions, it is only suited to a minority. On one side, the universities of Oxford and Cambridge attract, by their greater fashion and celebrity, all the young Irishmen of wealthy families; and on the other, the principles and passions which the Irish university conceals within its bosom, repel from it the children of the Irish Catholics; so that, in a country almost exclusively Catholic, the Protestants alone receive the higher instruction requisite for the discharge of public functions. Moreover, the Protestants, to whom this instruction is given, do not belong to the upper ranks of society. Thus, the University of Dublin does not correspond with the purpose of its foundation; it has never been national, and it has lost the aristocratic character which belongs to the English universities. It is, in fact, nothing but a seminary of candidates for the ministry of the Church of England: in this

respect it is far from being abandoned; all who aspire to enter the church flock to the university, enticed by the numerous benefices and magnificent livings which it has at its disposal.[8]

We see, then, that this institution has nothing of a university but the name; it was, at the very outset, paralysed, as an instructing body, by its union with the church. It was founded, like the Anglican church itself, on the presumption that Ireland would cease to be Catholic. Nevertheless, Ireland has remained such, and the university on its side has continued Protestant.

The fate of the Irish university, which is nothing more than a school for superior instruction directed by the upper classes, explains the nature and destiny of the other schools which the church has founded in that country. Once the Protestant church said to the poor Catholics of Ireland, "Entrust your children to us, we will educate them in the principles of pure morality and the knowledge of the true religion."[9] The Catholic population gave credit to the offer, and sent its children to the charter-schools founded by the Established Church, but they were soon withdrawn with horror, when it was found that in these schools the children were taught nothing but hatred of their own creed, and respect for the hostile creed. A second experiment was made; several benevolent Protest-

ants, sincere in their intentions, instituted schools for the education of poor Catholics, from which it was professed that the spirit of proselytism would be rigorously excluded; the enterprise was noble, it was pursued with ardour, good faith, and charity,[10] but success was impossible. In spite of themselves, or rather in consequence of their living and ardent faith, these Protestants could not remain impartial between their own faith and that of the young Catholics entrusted to their charge; and for such impartiality, even if it were possible, the people would not give them credit.

Thus, the Anglican church in Ireland, by the operation of one single principle, finds insuperable obstacles to the execution of everything which it accomplishes in England. This principle renders even charity impossible; and the benefits which the church dispenses in England, and which procure for it the respect and sympathy of the lower classes, become in Ireland new causes of hostility from the people.

NOTES.

CHAPTER I.

1. Wakefield's Ireland, i. 416.

2. Campion's Irish Histories, 13.

3. Mason's Survey, ii. 501.

4. Bogs are sometimes confounded with marshes; but the latter are always in low levels, while some of the Irish bogs have an elevation of more than five hundred feet above the sea.

5. The Irish language is also more generally spoken in Connaught than in the other provinces.

6. Surlly's Penal Laws, 143.

7. Third Report of the Irish Poor Inquiry, 1836. The disadvantages of the potato as a staple food are, difficulty of transport, difficulty of preservation, and the small proportion of nutritive matter.

8. Selections from the evidence received by the Irish Poor Inquiry Commissioners, 220.

9. Ibid. 296.

10. Ibid. *passim.*

11. Baulter's Letters, i. 181.

12. Tithes Inquiry, House of Lords, second report, 95.

13. Irish Poor Inquiry, 1836, p. 4.

14. Ibid.

15. Wakefield, i. 224.

16. Beaumont adopts the calculations of the first Commission for Inquiry into the State of the Irish Poor. He rejects the calculations of Mr. Nicholls, because he believes that gentleman to have been influenced by English prejudices.

CHAPTER II.

Section I. Subsection I.

1. The class of farmers called yeomen in England, is almost unknown in Ireland.

2. Larger farms are sometimes held in joint-tenancy

3. There are sometimes six or seven removes between the landlord and the occupying tenant.

4. Wakefield's Ireland, i. 237. A decided change for the better is in progress during the last three years.

Subsection II.

1. Except medicine.

2. Lewis's Irish Disturbances, 79 and 320.

3. Farms are too often let to the highest bidder, without any previous investigation of his character or solvency.

4. The supply of labour in Ireland is so limited, that the peasants are for the most part without employment during six months of the year.

5. Third Report of Irish Poor Commission, *passim.*

6. This evil is fearfully on the increase: Lord Courtown has just commenced a clearance which will consign hundreds to starvation.

7. Inquiry of 1832 into the State of Ireland, 471.

8. Lewis's Irish Disturbances, 225.

9. Ibid. 164. 10. Ibid. 58. 11. Ibid. 232. 12. Ibid. 23.

13. Ibid. 119. 14. Ibid.

15. See Historical Introduction for an account of the Whiteboys.

16. See Whiteboy Act of 1775.

17. Lewis's Irish Disturbances, 43.

18. By the Insurrection Act, persons found out of their houses between sunset and sunrise are liable to be arrested.

19. See Coercion Bill of 1833.

20. Those were chiefly in Ulster.

21. An imaginary queen.

22. There are many other names, such as Carders, Shandvests, Caravats, Blackhens, Magpies, &c.

23. Religion is but slightly mingled with agrarian revolts.

14. The criminal law is more penal in Ireland than in England.

15. Confidence in the magistracy has greatly increased of late.

16. Law is more respected than it used to be.

17. Sir Richard Musgrave, the libeller of the Irish Catholics, was the sheriff.

18. Grand Jury Act, sect. 105.

19. Such cases are now becoming rare.

20. See Parliamentary Inquiry into the Administration of Justice in Ireland.

SUBSECTION II.

1. The country has also the care of public canals, bridges, &c.

2. This *fiat* is often refused.

SECTION III.

1, 2, 3, 4, 5. First Report of the Municipal Corporations Inquiry.

6. Protestants, however, are excluded as well as Catholics.

7. This abuse cannot continue another year.

SUBSECTION IV.

1. The Saxon institutions were more free than those of the other Germanic tribes.

2. The translator does not share in the author's doubt; parochial self-government is well suited to the Irish character.

3. The new poor law limits the right of the English parish

4. They regulate the economy of the church and churchyard.

END OF VOL. I.

LONDON:

PRINTED BY IBOTSON AND PALMER, SAVOY STREET.

Digitized with financial assistance from the
Government of Maharashtra
on 15 June, 2016